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IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT OF 1986

REPORT

OF THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

ONE HUNDREDTH CONGRESS

FIRST SESSION

together with

ADDITIONAL VIEWS

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(100th Congress)

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INTRODUCTION

Between February and December 1987, the Select Committee on Narcotics Abuse and Control held a series of oversight hearings on P.L. 99-570, the Anti-Drug Abuse Act of 1986. During the course of these hearings the Select Committee examined all aspects of the omnibus drug law including provisions relating to drug abuse education, Federal assistance to State and local governments for narcotics law enforcement, drug interdiction, treatment and prevention, and international narcotics control. Hearing dates were February 26 and June 9, drug abuse education; March 4, assistance to State and local narcotics law enforcement; March 11, treatment and prevention, March 18 and April 30 drug interdiction, March 25, impact of Federal drug budget cuts and international narcotics control and December 8, 1987, the overall Federal drug strategy.

SUMMARY OF H.R. 5484, THE ANTI-DRUG ABUSE ACT OF 1986

(P.L. 99-570)

International narcotics control

Authorizes $75.4 million for FY 1987 for international narcotics control activities by the Department of State, $10 million more than requested in the President's budget.

Authorizes an additional $45 million for such activities in 1987, provided the President submits a budget request to Congress for the additional funds, including a detailed plan as to how the funds would be used.

Earmarks $10 million of the additional $45 million for aircraft to countries receiving narcotics control assistance in 1987, primarily for aircraft and helicopters to be based in Latin America for narcotics eradication and interdiction efforts throughout the region.

Earmarks not less than $2 million of international military education and training funds for pilot and aircraft maintenance training for narcotics control activities.

Withholds 50 percent of U.S. assistance and requires the U.S. representatives to the multilateral development banks to vote against loans or other assistance to each major illicit drug producing and drug transit country, unless the President certifies to Congress annually that the country has taken adequate steps to control illicit narcotics activities or that the aid restrictions would be contrary to the vital national interests of the United States. Congress may override a Presidential certification by enactment of a joint resolution disapproving the President's determination.

Designates $1 million for the development of a safe and effective herbicide for the aerial eradication of coca plants.

Amends the Mansfield Amendment to allow U.S. drug enforcement agents to assist foreign officers in making drug arrests abroad, and to participate in direct police drug arrest actions in a foreign country provided the Secretary of State and the Attorney General determine that such activities are in the national interest of the United States.

Enhances information collection and sharing on narcotics related activities abroad.

Prohibits U.S. aid to any country whose government, or senior government officials, are involved in narcotics traffic.

Calls on the President to take effective steps to improve the U.S. capability to respond to narcoterrorism, with $2 million earmarked to protect judges and other officials in Latin America who might be targets of narcoterrorists' attacks.

Withholds $1 million in narcotics control assistance to Mexico pending the full investigation and prosecution of the murderers of DEA Special Agent Enrique Camarena and those responsible for the detention and torture of DEA Special Agent Victor Cortez.

Requires the United States to urge the multilateral development banks to increase assistance for drug eradication and crop substitution programs in major illicit drug producing countries.

Urges the government of Pakistan to adopt and implement a comprehensive program for the aerial eradication of opium poppy, the interdiction of drug supplies, and for the effective prosecution of drug traffickers.

Calls on the President to instruct the U.S. Ambassador to the United Nations to request that the U.N. Secretary General raise with the International Conference on Drug Abuse and Illicit Trafficking the problem of illicit drug production in Iran, Afghanistan, and Laos, the largest opium poppy producing countries which do not have narcotics control programs.

Provides new authority for the President to deny preferential tariff treatment to the products of any country that fails to cooperate with the United States in eradicating drug crops and apprehending drug smugglers.

Denies a sugar quota to any country whose government is involved in the illicit drug trade or is not cooperating with the United States in narcotics control.

Relaxes current restrictions on U.S. aid to Bolivia in recognition of that country's cooperative efforts in "Operation Blast Furnace" to destroy coca processing laboratories and storage sites in Bolivia.

Authorizes an additional $2 million for 1987 for the United States Information Agency to increase drug education programs abroad.

Authorizes an additional $3 million for 1987 for activities by the Agency for International Development to increase awareness of the effects of illicit drug production and trafficking on source and transit countries.

Expresses congressional support for the United Nations International Conference on Drug Abuse and Illicit Trafficking to be convened in 1987.

Urges the President to direct the Secretary of State, in conjunction with National Drug Enforcement Policy Board, to enter into negotiations with the Government of Mexico to establish a Mexico-

United States Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control which was recommended by the delegations from Mexico and the United States that attended the 26th Mexico-United States Interparliamentary Conference.

Drug interdiction at our borders

Directs the Secretary of Defense to procure aircraft and equipment for loan to Federal drug enforcement agencies to enhance drug surveillance and interdiction. Funds are authorized for the following:

$40 million for 8 Blackhawk helicopters to apprehend drug smuggling aircraft when they land in the United States.

$138 million to upgrade 4 radar equipped aircraft to be used in the detection of drug smuggling planes. Two of these aircraft are to go to the Customs Service and two to Coast Guard.

$99.5 million for 7 radar aerostat balloons to detect suspected drug smuggling aircraft on the southwest border and in the Caribbean.

Requires the Secretary of Defense to report to Congress within 90 days a detailed list of all forms of assistance that shall be made available by Defense to civilian drug enforcement and interdiction agencies and a detailed plan for promptly rendering such assistance and equipment.

Authorizes use of $7 million in existing Defense funds to acquire major equipment needed by the Civil Air Patrol for drug interdiction surveillance mission.

Permits military assistance to Federal civilian agencies in their support of drug control efforts by foreign nations.

In emergency circumstances, permits military equipment operated by military personnel to intercept suspected drug smuggling aircraft and vessels outside the land area of the United States for purposes of communicating with them and directing them to a location designated by appropriate civilian officials. This activity may continue into the land area of the United States in cases of hot pursuit which began outside the United States.

Coast Guard

Authorizes an additional $94 million for 1987 for Coast Guard acquisition, construction and improvements, including $5 million for a Coast Guard drug interdiction docking facility in the Bahamas.

Authorizes an additional $39 million for Coast Guard operating expenses in 1987 to increase Coast Guard active duty personnel to 39,220 and increase utilization of Coast Guard equipment.

Authorizes an additional $45 million in 1987 for the Department of Defense to be used to install 360-degree radar systems on Coast Guard long-range surveillance aircraft.

Provides permanent authority for the assignment of Coast Guard personnel to Navy vessels for drug law enforcement. Transfers $15 million from the Navy to the Coast Guard in 1987 for 500 additional Coast Guard personnel to be assigned to Navy vessels for drug enforcement duty.

Mandates that the Coast Guard Selected Reserve attain a strength of not less than 14,400 by the end of fiscal year 1987 and

that not less than 1,400 be used to augment Coast Guard units assigned to drug interdiction missions.

Clarifies the authority and procedures for Coast Guard enforcement against maritime drug smuggling.

Customs

Revises Customs laws to strengthen Customs' enforcement capability to detect and apprehend smugglers and to interdict narcotics. Among the changes, vessels will be required to report their arrival in the United States immediately, rather than within 24 hours as is now the case. Vehicles and pedestrians will be required to cross into the United States only at approved crossings and to report immediately. Airdropping drugs to vessels at sea will be prohibited, and aircraft and vessels used in connection with such violations will be subject to forfeiture. The bill also allows Customs to engage in undercover activities more freely.

Authorizes an additional $199.5 million for the Customs Service to enhance the agency's drug interdiction role. This amount includes $81 million for additional drug enforcement personnel and $93.9 million for expanded air interdiction efforts in 1987, and $25 million to establish command, control, communications, and intelligence centers to improve coordination of interdiction operations.

Extends the Customs Forefeiture Fund for 4 years (to 1991), increases from $10 million to $20 million the amount which may be appropriated from the fund, and expands the expenses which can be paid for out of the fund.

Authorizes $10 million to establish a joint United States-Bahamas drug interdiction task force.

Authorizes an additional $7 million to the Department of Justice for 1987 for helicopters for drug interdiction operations in Hawaii.

Drug law enforcement at home

A tough new Federal criminal offense of money laundering is created and loopholes in existing currency laws are closed to prevent the evasion of currency reporting requirements.

The importation of drug paraphernalia is prohibited, and the sale of paraphernalia through the mails or in interstate commerce is banned.

The manufacture and distribution of controlled substance analogs, so-called "designer drugs" is banned.

Mandatory minimum sentences are established for Federal drug law violations. The mandatory sentences range from 5 to 20 years, depending on offense category and whether it is a first or second offense. Life imprisonment is permitted if a death or a serious injury results from distribution of a highly addictive controlled substance.

Fines for most drug-related offenses are substantially increased.

A new penalty structure is created for the simple possession of a controlled substance, for the distribution and use of piperidine, and for using children to manufacture and distribute controlled substances.

Manufacturing controlled substances within a 1000 feet of elementary or secondary school, or college is made a Federal offense.

Makes the operation of places to manufacture, distribute, and use controlled substances a Federal offense.

A new Federal grant program to assist State and local governments in drug law enforcement is established. $230 million per year for the next 3 fiscal years is authorized for this program.

The Armed Career Criminal Act is amended to include a 15-year mandatory minimum prison sentence for the possession of a firearm by persons with three convictions for drug trafficking.

The Secretary of Defense is required to conduct a study to identify buildings owned or operated by the Department of Defense that could be made for use as a prison by the Department of Justice.

The Freedom of Information Act is amended to prohibit the disclosure of law enforcement investigative information that could be reasonably expected to alert drug dealers and organized crime of law enforcement activity related to them.

An additional $60 million is provided for the activities of the Drug Enforcement Administration.

Authorizes an additional $96.5 million in 1987 for Federal prison construction.

Federal forfeiture laws are amended to permit the forfeiture of substitute property of a convicted drug trafficker, if the property that is subject to forfeiture is otherwise unavailable, has diminished in value, or cannot be separated from property that is not subject to forfeiture.

Aliens will be subject to deportation for the conviction of any drug-related offense. The Immigration and Naturalization Service is required to give a prompt response to inquiries by local law enforcement officials concerning illegal aliens arrested for drug violations.

The Federal Aviation Act is amended to require owners of registered aircraft to report sales or transfers of ownership to FAA within 15 days.

States are authorized to establish criminal penalties, including the seizure and forefeiture of aircraft, for violation of the Federal Aviation Act's aircraft registration system.

Aircraft operators are required to make available for inspection an aircraft's certificate or registration upon the request of a Federal, State or local law enforcement officer.

Establishes new criminal penalties for illegally transporting controlled substances in violation of Federal Aviation Administration regulations.

Calls for a study of the means to control the diversion of legitimate precursor and essential chemicals to the illegal production of drugs.

Provides rewards to those assisting with the arrest and conviction of persons guilty of killing or kidnapping a Federal drug agent.

Makes it a Federal offense to operate or direct the operation of a common carrier while intoxicated as a result of using alcohol or drugs. Standards are also established regarding the testing, licensing and qualification of operators of commercial motor vehicles.

The President is required to convene a White House Conference on drug abuse and drug trafficking. This conference would call to-

gether the best minds in the country to evaluate and improve the national strategy to combat drug abuse.

The President is required to submit recommendations for legislation to reorganize the executive branch to more effectively combat international drug trafficking and drug abuse.

Reducing the demand for drugs

Education and prevention

Establishes for the first time an active Federal role in drug abuse education. Authorizes $200 million for fiscal year 1987, $250 million for fiscal year 1988 and $250 million for fiscal year 1989 for a variety of Federal or federally supported drug abuse education and prevention programs.

Earmarks 81.8 percent of amounts available for any fiscal year for grants to States based on relative school-age population (with no State to receive less than 5 percent of the amount reserved for grants to States).

Of amounts received by a State, 30 percent is to be used by the Governor for State programs. Fifty percent of funds reserved to the Governor are earmarked for innovative community-based programs of coordinated services for high-risk youth. The remaining 50 percent is for awards to local governments and other nonprofit groups (including parents groups, community action agencies, and other community-based organizations) for programs such as local, broadly based drug and alcohol abuse prevention programs, training in drug abuse prevention and education, development and distribution of public information, technical assistance, and coordination of statewide prevention activities.

The remaining 70 percent of a State's allotment is to be used by the State educational agency. Of this amount, 90 percent is for grants to local and intermediate educational agencies and consortia, based on relative school-age population. The remaining 10 percent is for State activities such as: training and technical assistance; development and dissemination of drug abuse education curricula and teaching materials; drug abuse education demonstration projects; and special financial assistance for drug education programs in sparsely populated areas, in areas serving large numbers of economically disadvantaged children and for other special needs.

Funds made available to local educational agencies are to be used for drug and alcohol abuse prevention and education programs including: the establishment of drug abuse education curricula; school-based early intervention and prevention programs; family programs; counseling; referral to treatment and rehabilitation; training; public and community education programs; programs for student athletes; and programs to identify and discipline drug and alcohol abusers. To receive funds, a local educational agency must establish, implement or augment mandatory drug abuse education programs for students in all grades from the early childhood level to grade 12.

Provides for the participation of children and teachers from private nonprofit schools in programs funded under the bill.

Reserves 8 percent of funds available in any year for grants to institutions of higher education for drug abuse training programs,

model demonstration programs with local schools to develop quality drug abuse education curricula, and drug abuse education and prevention programs for students in institutions of higher education.

Earmarks 3.5 percent of funds available in any year for Federal drug abuse education and prevention activities by the Secretary of Education in conjunction with the Secretary of Health and Human Services.

Sets aside 2.2 percent of amounts appropriated for any year for programs for Indian youth, Hawaiian Natives and the territories.

Earmarks 4.5 percent of available funds in any year for the five regional training centers that currently operate the Department of Education's successful alcohol and drug abuse education program, known as the School Team Approach.

Establishes a National Trust for Drug-Free Youth to encourage private gifts to assist the Secretary in carrying out drug abuse prevention and education activities.

Authorizes $5.5 billion for efforts by the ACTION agency to increase private sector and volunteer drug abuse prevention activities.

Authorizes $3 million for the Secretary of Labor to collect available information and conduct additional research on drug abuse in the workplace.

Establishes the President's Media Commission on Alcohol and Drug Abuse Prevention to examine existing public education programs and coordinate the voluntary donation of resources from the media, private business and professional sports organizations to implement new public information programs for drug and alcohol abuse prevention.

Treatment, rehabilitation and research

Authorizes a total of $241 million for fiscal year 1987 for drug and alcohol abuse treatment and rehabilitation programs.

Earmarks 70.5 percent ($169.9 million) for allotments to States to expand drug and alcohol abuse treatment and rehabilitation services. Of this amount, 45 percent is to be distributed to States on the basis of relative population and 55 percent on the basis of need.

The remaining 29.5 percent is allocated as follows:

6 percent ($14.5 million) to be included in State allotments under the Alcohol, Drug Abuse, and Mental Health Services Block Grant;

4.5 percent ($10.8 million) for transfer to the Administrator of Veterans Affairs for veterans drug and alcohol abuse services;

1 percent ($2.4 million) to evaluate treatment programs; and

18 percent ($43.4 million) to establish a new Office for Substance Abuse Prevention in the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) of the Department of Health and Human Services (HHS), and for grants to demonstrate effective models for drug and alcohol abuse prevention, treatment and rehabilitation among high risk youth ($20 million is earmarked for these demonstration grants).

The new Office for Substance Abuse Prevention created by the bill is intended to provide higher visibility and funding to Federal

drug and alcohol abuse prevention efforts. The activities of the Office would include: sponsoring regional prevention workshops; coordinating research findings; developing and disseminating effective prevention materials; supporting clinical training; creating radio and TV public service announcements on drug abuse prevention; supporting the development of model community-based prevention programs; and conducting training, technical assistance, data collection and evaluation.

Establishes a new clearinghouse for drug and alcohol abuse information in HHS to disseminate information on the health effects of alcohol and drugs, information on successful alcohol and drug abuse prevention curricula, and information on effective and ineffective school-based prevention programs.

Authorizes for 1987 $129 million for drug abuse research by the National Institute on Drug Abuse (NIDA) and $69 million for alcohol abuse research by the National Institute on Alcohol Abuse and Alcoholism (NIAAA).

Requires HHS to conduct a study of the use of alkyl nitrite products and to determine whether such products should be treated as a drug under the Federal Food, Drug, and Cosmetic Act.

Enhances drug and alcohol programs for Federal employees, and requires all Federal agencies to establish employee assistance programs to combat drug and alcohol abuse.

Authorizes a comprehensive attack on drug and alcohol abuse among Indian tribes and their members and on illegal narcotics trafficking in Indian country.

GRANT PROGRAMS

Public Law 99–570, the Anti-Drug Abuse Act of 1986, established three major grant programs to reduce drug abuse in America. The first grant program authorizes a program of State and local narcotics law enforcement assistance. For fiscal year 1987 $225 million was appropriated for this program, however, The Administration has requested no additional funding for this program in either fiscal year 1988 or fiscal year 1989. Grant funds under this program may be used for more widespread apprehension, prosecution, and adjudication of persons who violate State and local laws relating to the production, possession and transfer of controlled substances. Funds may also be used for the detention, rehabilitation, and treatment of drug dependent offenders, and for eradication programs aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted. Finally, grant funds may be used to conduct demonstration programs, in conjunction with local law enforcement officials, in areas where there is a high incidence of drug abuse and drug trafficking to expedite the prosecution of major drug offenders and move these offenders expeditiously through the judicial system.

The bulk of the funding, $178 million, available is to be distributed to States under a formula grant program. States in turn allocate a portion of the funds to units of local government (the "pass-through") within the State. There is a 25-percent matching requirement on the part of State and local governments for grants awarded under this program.

The Department of Justice, Bureau of Justice Assistance conducted three regional workshops, one each in Washington, DC, Chicago, and San Francisco in March 1987 for personnel from the States responsible for implementation of the program. The workshops included discussion and training on administrative, financial, and reporting requirements, statewide strategy development and program development for each of the eligible program purposes.

Twenty percent of the funds, $43 million, available for State and local narcotics control assistance is earmarked for a discretionary grant program. Discretionary grants will be used to enhance, coordinate, and fill gaps in State and local drug control efforts through national and multi-state programs. Only public agencies and private nonprofit organizations are eligible for discretionary grants. Unlike the formula grants program, grants may be made for 100 percent of the cost of the project.

The "Drug Free Schools and Communities Act of 1986", Subtitle B of Title IV of the Anti-Drug Abuse Act of 1986, provides the U.S. Department of Education with significant funding for drug abuse education programs. The law authorizes an expenditure of $200 million for fiscal year 1987, and $250 million each for fiscal year 1988 and fiscal year 1989. The Department of Education will spend the $200 million for fiscal year 1987, but President Reagan's budget for fiscal year 1988 cuts the funding for drug abuse education down to $100 million, or $150 million below the amount authorized in the public law.

The major portion of the funds is reserved for a program of grants to the States for drug abuse education. The total amount of funds available is allocated to the States on the basis of school-age population, with a minium allotment of one-half percent per State.

Each State's Chief School Officer will be the primary distributor of the funds within the State (70 percent) to local school districts. The Governor of each State has the responsibility for distributing the remaining 30 percent.

Ninety percent of the funds to be dispersed by the State education agency will go to local and intermediate educational agencies and consortia in the State. Funds will be distributed on the basis of the relative numbers of children in the school-age population within such areas. The remaining 10 percent can be used by the State agency for training and technical assistance programs; dissemination of curricula and teaching materials; demonstration projects; and administrative costs.

Funds made available to local educational agencies are to be used for drug and alcohol abuse prevention and education programs. Of the funds available to the Governor, at least 50 percent must be directed toward innovative community-based programs for high risk youth. The remaining money is for awards to local governments and other public or private nonprofit entities (including parents groups, community action agencies, and other community based organizations) for programs such as locally based drug and alcohol abuse prevention programs, training in drug abuse preventioin and education, development and distribution of public information, technical assistance, and coordination of statewide prevention activity.

The Anti-Drug Abuse Act reserves 8 percent of funds available in any year for grants to institutions of higher education.

The Act also earmarks 3.5 percent of funds available in any year for Federal drug abuse education and prevention activities by the Secretary of Education. In addition, 2.2 percent of available funds is set aside for programs for Indian youth, Hawaiian Natives and the territories.

The third new grant program created under the act is for Emergency Substance Abuse Treatment and Rehabilitation. The Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) in the Department of Health and Human Services is responsible for the administration of this new program, which augments the existing Alcohol, Drug Abuse, and Mental Health Services (ADMS) Block Grant (P.L. 97-35) also administered by ADAMHA.

According to the law, 45 percent of the new Block Grant is to be allocated to the States on the basis of population. Fifty-five percent is to be allotted to the States on the basis of need. For fiscal year 1987, $169 million is available for the program. No new moneys were requested by the administration in its fiscal 1988 budget for the emergency program, but instead it was proposed to spend the emergency funds over a 2-year period.

The Governors were invited by the Department of Health and Human Services to apply on March 4, 1987, and the methodology for distribution of funds was sent out to the States on April 3, 1987.

DRUG ABUSE EDUCATION PROGRAMS—FEBRUARY 26, 1987

Witnesses

Gordon M. Ambach, Commissioner of Education, State of New York.

Edward T. Duffy, Deputy Chief of Staff, Office of the Governor, State of Illinois.

Holmes Braddock, Member, Dade County School Board, Miami, Florida, and representative of the National Association of School Boards.

John P. Walters, Special Assistant to the Hon. William Bennett, Secretary of Education.

Chairman Rangel opened the hearing by noting that the Administration reduced drug education funding from $250 million to $100 million in its fiscal year 1988 budget proposals. Mr. Rangel noted, "The drugs are flowing faster than the funding. We can't just look at the exigencies of the budget crisis and use that as an excuse for not funding drug programs."

Chairman Rangel pointed out that $350 million was originally included in the drug bill for drug abuse education, but that this amount was later scaled back to $200 million in negotiation with the Senate. Mr. Rangel further noted that the Department of Education had been steadfast in its opposition to a federally sponsored drug abuse education program in America's schools.

Congressman Gilman was concerned about the actions being taken by the Department of Education to implement the drug bill. In his prepared remarks Congressman Gilman stated,

> I am dismayed and angered by the administration's proposed budget cuts, especially in the education area. For

> fiscal year 1988, the administration proposes to slash the Department of Education's budget from $250 million to $100 million for drug abuse programs. I fail to understand what benefits can be derived from cutting a program before it even starts.

Mr. Gordon Ambach, the Commissioner of Education, State of New York called the Anti-Drug Abuse Act of 1986 an excellent bill. He said, however, that close oversight of the programs established in the bill is needed. He particularly noted that oversight of the Department of Education's Programs by the Congress was important because Secretary Bennett had chosen to implement the drug abuse education program through guidelines only and not by formal regulations.

Concerning funding, Ambach stated that under the drug bill most school districts in New York will only receive $2,000 to $3,000. He suggested that neighboring school districts join together in consortia to maximize the impact of the Federal dollars they receive. He said States need the authority to make consortia arrangements with intermediate agencies to have effective drug abuse programs in smaller school districts.

Commissioner Ambach was critical of the Department of Education for splitting the money designated for drug abuse programs for college students in two different parts of the Department, the Office of Educational Research and Improvement and the Office of Postsecondary Education. He said it would be more effective for the States to work with one and not two units of government.

Mr. Ambach urged that the distribution of this money to the States be made as soon as possible. The money is supposed to be sent to the States in August 1987. Addressing the proposed budget cuts in fiscal year 1988, Ambach said it was hard to recruit quality people for drug abuse education programs when the program might be only funded for one year. He urged a longer and consistent funding cycle to insure stability in the program.

Mr. Duffy was formerly the Director of Substance Abuse Treatment Services for the State of Illinois, and he is now Deputy Chief of Staff to Governor James Thompson. He agreed with Commissioner Ambach that more than a 1-year program was needed. He said,

> Prevention is not a short-term effort. If we are not prepared to make the commitment, then what we are doing will have no effect. The administration cuts place us in the position of saying that these are one-time expenditures, which will not have a long-term effect. In Illinois, we have made a commitment to fund a portion of the drug abuse education effort.

Mr. Holmes Braddock, a member of the Dade County School Board, said that while drugs are a society-wide problem, they are a particular concern in south Florida, the entry point for much of the drugs into the United States. One out of six Florida youths report having used cocaine and 20 percent of high school seniors report using marijuana. Sixty-four percent of all youth arrests are due to the use or abuse of drugs or alcohol. Drug and alcohol abuse

costs Florida $7.4 billion or $700 for every man, woman, and child in the State.

Agreeing with Mr. Ambach and Mr. Duffy, he stressed that you cannot get quality, long-term commitments from people with only a 1-year program, Holmes stated, "We need money on a long-term basis to stop drug abuse. Funding levels for drug abuse programs must be maintained. Every other problem pales in comparison to the problem of drug abuse."

In reply to the witnesses Congressman Gilman said, "We are trying to supplement what the States are doing. We never intended to fund the entire effort through Federal assistance. We recognize it is not enough money, it is just meant to stimulate the States to establish drug education programs. School systems have let us down throughout the nation. They are not providing the programs which are needed. We will try to restore funding which the Office of Management and Budget is trying to cut out.

Mr. Walters, Special Assistant to the Secretary of Education, said, for fiscal year 1988, we have asked the Congress for $100 million for Drug-Free Schools—the same amount the Department requested last year. Walters indicated there are several reasons why we requested $100 million for this program in Fiscal Year 1988. It is partly a question of available resources, and partly a question of responsible use of resources. The Department anticipates that much of the $200 million appropriated in Fiscal Year 1987 will be used during school year 1987–88 for start-up costs, including nonrecurring activities such as the purchase of equipment and instructional materials. The Secretary has made the early release of these funds a top priority within the Department. However, since this is a new program and States and localities will require a certain amount of lead time to implement their activities, the Department of Education anticipates that they will actually carry over a considerable portion of the $200 million to the 1988–89 school year. Therefore, according to Walter's the 1988 request of $100 million will be sufficient to continue these programs in school year 1988–89.

Regarding the implementation of the higher education portion of the drug bill, Mr. Walters said that fact that responsibility for the program is divided between two divisions will not hamper its implementation because the personnel within the two offices of the Department responsible for this program meet regularly. He further noted funding for the teacher training portion of the higher education program will be awarded in August 1987.

Congressman Clay Shaw stated we funded the drug education program because we recognized the need for it, and because States had not adequately funded these programs in the past. He stated local education officials have to be prepared to continue the best of their programs without Federal assistance.

Mr. Braddock said that we don't have the money needed to fight the problem of drug abuse, and the problem of drug abuse will not go away in 3 years. Children need constant reinforcement not to use drugs.

Chairman Rangel asked Mr. Walters to explain how President Reagan reached the conclusion we don't need $150 million for drug abuse education programs. This is the difference between what the

States would have received under the Anti-Drug Abuse Act of 1986 and what they will receive under the President's proposed Fiscal Year 1988 budget. Mr. Walters said we must tell children that drug use is harmful and wrong. He agreed that there should be adequate Federal support, but that the administration decided to spend $100 million on drug abuse education. Congressman Gilman asked, How did you arrive at the $100 million figure. Mr. Walters replied, it was a guess. The cut was proposed because a large portion of the money won't be available until late 1987, and will be spent in the 1987–88 school year. Mr. Walters further attempted to justify the cut by noting that a large number of trained drug abuse professionals do not exist to teach drug abuse education courses.

Chairman Rangel said that the administration originally, in a meeting with the House leadership in September, agreed to spend $100 million on drug abuse education. He added that we see nothing coming out of the Department of Education except a philosophy that drug abuse education is a State and local problem. "We in the Congress want a national drug abuse education program which can be implemented at the local level," he stated.

Mr. Walters said that the Department of Education would submit to the Congress a series of technical amendments to the drug bill, an use discretionary funds to provide additional training and materials. Mr. Rangel concluded by pointing out that an evaluation should be done of the Department of Education's drug abuse education programs in order to judge their effectiveness.

DRUG ABUSE EDUCATION—JUNE 9, 1987

On Tuesday, June 9, 1987, the House Select Committee on Narcotics Abuse and Control held a followup hearing on the Department of Education's role in drug abuse education. Testifying before the committee was Education Secretary William Bennett.

Congressman Scheuer opened the hearing with the following major points:

> Unfortunately in the past education received the short end of the stick when it came to funding our drug abuse problem.
>
> The only real way of making any kind of dent on this problem is by changing behavior, just as was done by recent Surgeon Generals with regards to smoking.
>
> The current administration has not shown the leadership needed to combat the Nation's drug abuse problem. By proposing to slash the education budget by two-thirds, we can see that there is no real commitment by the administration to seriously attack drug abuse.

Congressman Gilman spoke next concurring with Congressman Scheuer that we must provide preventive education to win the war on drugs. Representative Gilman noted that "kicking the kids out" is not the solution. He also praised the Department's book "Schools Without Drugs" but cautioned that we should do more.

Congressman Guarini noted that the most important component of the war against drugs is education. He criticized President Reagan for proposing to cut the education budget from $250 million to $100 million and questioned the President's seriousness about fighting drug abuse.

Representative Coughlin agreed that the demand side of the problem has been given a far too small share of our resources. He maintained that we will never fully destroy the supply if the demand continues to exist.

Secretary of Education William Bennett proceeded to testify. He contended that the Department of Education put out the best publication in the history of the Federal Government. Educators all over the country praised the publication. He went on to say that there isn't any evidence that drug education courses will change the young people's mind. To support this he cited the Department's estimate that some 80 to 85 percent of American schools that had drug education programs had increasing drug abuse. He also pointed out that many of the drug pushers were "alumni" of drug education courses.

Bennett maintained he is very supportive of those schools which are tough on drug abusers. He regretted the fixation of the Chairman and some of the members on his previous testimony in which he strongly supported the notion of not tolerating drug abusers in schools.

Mr. Scheuer proceeded to point out that out of a $17 billion Federal Education budget, all the administrator wants to put into drug education is one half of 1 percent or $100 million. He continued saying that unless we do something about drugs we are never going to do much about the 50 percent of black and Hispanic kids who drop out of our schools. He also argued that our economy and competitiveness will be weakened if we don't do something about drug abuse.

Secretary Bennett then criticized this point claiming that leadership is more than spending other people's money. He then continued to praise the Department's publication and cited a large demand for it.

John Walters, special assistant to Secretary Bennett for drug abuse prevention activities explained that the Department is deeply concerned about getting drugs out of the schools. He asserted that the school districts should be required to assess the scope of their local problem and report it to State authorities on a yearly basis. Also, they should be required to show progress in reducing student drug use and continued funding to local school districts should be tied to the willingness to change inefficient programs. He went on to explain that the present legislation does not allow the Department to hold States and cities responsible for running efficient programs as a condition of renewing their funding.

Representative Scheuer agreed that accountability and assessment should take place all the way up and down the line. The cities, States and Federal Government should all do it. Secretary Bennett and Mr. Walters both claimed the Department doesn't have the legal authority to require States to be accountable.

Secretary Bennett and Representative Guarini proceeded to discuss the responsibility of the Federal Government in the drug area. Bennett's contention was that it is primarily a State and local problem and if the Federal Government relieves people at the local and State level of their responsibility, the message will never get to the students. According to the Secretary, if the local leaders fail, the local people must get new leadership. However, there will be a

strong incentive to succeed since Federal moneys are being allotted. Representative Guarini pointed out that the Federal Government must show leadership in this area and questioned what would be done if the local governments fail and aid is cut off.

Mr. Walters then testified that the Department is doing more than giving money and a book to the schools. Technical assistance, constant communications with the schools and expanded programs have all been provided by the Department to mobilize the people in the war on drugs. In addition proposals have been made for audio-visual materials to be made available, with production to commence next year.

Representative Shaw pointed out that the answer to the problem may lie in discipline within the school itself. His claim was that we have to go right down to the local level and within the family structure itself to settle this problem. He went further to suggest we stop "coddling" those students who are damaging the student body. He then asked the Secretary what would be done by the Department if Congress increased funding.

Secretary Bennett responded by stating that since no particular area is underfunded, the share of the States would increase proportionally. He mentioned that tough laws on drug use would surely get the attention of the young people. He stated that he wrote to the Governors suggesting this same idea.

Representative Gilman asked the Secretary what the Department's policy is for demand reduction. Once again the Secretary explained his belief that education is a State and local responsibility. He did concede that the Federal Government can assist, aid, fund and offer advice to the States.

Representative Sensenbrenner and Representative Scheuer suggested that the Department avoid being preachy with students. Rather they should give relevant information on the dangers of drugs to keep high school and college students attentive. Secretary Bennett was in complete agreement with the Congressmen on this point.

RECOMMENDATIONS—EDUCATION

1. An effective national program of drug abuse education is an important part of a comprehensive national drug strategy.

2. Money, by itself, will not solve America's drug problem; however, a realistic program of drug abuse education must be adequately funded if it is to have any chance of being successful. The Select Committee, therefore, recommends that a national drug abuse program be funded for the fiscal years 1988 and 1989 at $250 million annually, which are the amounts contained in the Anti-Drug Abuse Act of 1986.

3. Training programs for teachers of drug abuse education should be reviewed periodically to be sure that teaching curricula incorporate the latest factual information on drugs and drug abuse.

4. Community support from parents, police officials, and drug abuse treatment and rehabilitation counselors can help make drug abuse education programs more successful.

5. In order to maximize the impact of limited Federal dollars, smaller, neighboring school districts should be encouraged to create

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consortia to conduct effective drug education programs, as permitted by the Anti-Drug Abuse Act of 1986.

6. The difficulty in attracting and retaining high-quality drug abuse educators and treatment and rehabilitation counselors for 1-year programs with questionable financial backing can not be overstated. People are understandably reluctant to enter into this type of employment situation. Multi-year programs of drug abuse education, such as contained in the Anti-Drug Abuse Act of 1986, are needed to attract qualified personnel to teach effective drug abuse education in the classroom.

7. The Department of Education should develop model drug abuse education programs and curricula for State and local education agencies to draw upon in developing school-based programs. The Department also should develop objective criteria for evaluating drug abuse education programs and curricula (e.g., is the information factually accurate? Is it age-appropriate? What message does the material convey?). The Department should use these criteria as a basis for evaluating existing programs and curricula. The results of these assessments should be widely disseminated to State and local school agencies to guide them in selecting drug abuse education materials.

8. The programmatic evaluation of the drug abuse prevention program of a local school district should be performed by the State education agency. If, after a reasonable period of time, a local school district is not making sufficient progress in implementing an effective drug abuse education program on its own, the local school district should receive technical assistance and guidance from the Department of Education and the State educational agency on the development of effective drug education programs. This is the approach approved by the House in H.R. 5, the School Improvement Act of 1987. This legislation, which reauthorizes the Drug Free Schools and Communities Act through fiscal year 1993, passed the House on May 21, 1987.

9. In their testimony before the Select Committee, Education Department witnesses recommended congressional approval of legislation proposed by the Department that would permit States to cut off drug education funding to local schools that fail to make reasonable progress in implementing an effective drug education program. Such authority was proposed as a way to hold schools accountable for the effectiveness of programs funded under the Drug Free Schools and Communities Act.

The Select Committee has no quarrel with the concept that ineffective programs should not continue to receive Federal funding. We believe, however, that the approach adopted by the House in H.R. 5 is the appropriate course of action at this time.

A recent GAO report prepared at the request of the Select Committee's Chairman and Ranking Minority Member ("Drug Abuse Prevention: Further Efforts Needed to Identify Programs That Work," GAO/HRD-88-26, December 1987), endorses H.R. 5. While that report also recommends that each State be granted authority to terminate anti-drug funding to any local school that fails to make reasonable progress on a drug education program *after* receiving technical assistance from the State, a number of the report's findings raise serious doubts as to whether the Federal Gov-

ernment is doing enough to identify effective programs and ensure proper evaluation of programs funded under the Anti-Drug Abuse Act.

According to GAO, the Department of Education is not providing the States with an evaluation instrument or guidance because evaluation is a "State responsibility" and evaluation instruments are already available from other sources. But the report concludes that States are ill-prepared to handle this responsibility on their own. GAO says most States do not have a system to collect information on local drug abuse prevention and education activities; States and localities lack evaluation experience; and most States have not monitored drug abuse prevention and education activities in the past.

Moreover, information Federal agencies are required to collect and disseminate on effective and ineffective drug abuse prevention and education curricula and school-based programs is not yet available to help States and localities.

In light of these findings, we believe that Congress should be extremely cautious before it cedes to States the authority to cut off funding to local schools. The Anti-Drug Abuse Act was intended to provide strong Federal leadership to help States and local schools develop effective drug abuse education programs. It was not intended to punish schools that need help. Before Congress grants States authority to cut off funds, Congress should be satisfied that the Department of Education is doing all that it can to help States and localities identify programs that work and that the Department is providing guidance and standards for States and localities to follow in evaluating programs.

STATE AND LOCAL ENFORCEMENT ASSISTANCE—MARCH 4, 1987

Witnesses

William J. Landers, Deputy Associate Attorney General, U.S. Department of Justice.

Mayor's Panel

Hon. Joseph P. Riley, Jr., Mayor of Charleston, South Carolina, and President, U.S. Conference of Mayors.

Hon. Edward I. Koch, Mayor of New York City.

Criminal Justice Panel

Mr. Timothy Schoewe, Criminal Justice Planner for Milwaukee, Wisconsin, and Chairman of the National Association of Criminal Justice Planners.

Ms. Rose Matsui-Ochi, Criminal Justice Coordinator for the City of Los Angeles.

Chairman Charles B. Rangel in welcoming witnesses before the Select Committee said, perhaps, today we will come closer to receiving an explanation of the administration's proposed cuts of $225 million in drug law enforcement grants to State and local agencies. The ranking minority member of the committee, Congressman Benjamin A. Gilman, stated,

> I find the administration's fiscal year 1988 drug budget proposals unfair on several counts. First, the programs

have not been given the opportunity to establish a track record of their own under the new funding mechanism, and second, State and local governments are put in the untenable position of having to establish contingency plans spanning the funding spectrum.

Deputy Associate Attorney General William M. Landers described the program of Federal assistance to State and local governments for narcotics law enforcements for committee members. He said, the fiscal year 1987 appropriation for the program is $225 million, with the bulk of the funds—$178 million—allocated for formula grants to the States. Each State is eligible to receive $500,000 with the balance of funds allocated according to the State's relative population. States are required to match Federal funds by 25 percent and must pass through to local units of government a share of the total State allocation that is equal to the ratio of local criminal justice expenditures to total criminal justice expenditures in the State.

Mr. Landers testified that the Bureau of Justice Assistance has done an admirable job of implementing the new State and local narcotics control assistance program. The Department of Justice is confident that this Federal seed money will help State and local governments to coordinate and improve their drug enforcement efforts.

Mr. Landers gave three reasons why the Reagan Administration requested no funds for State and local narcotics control assistance in fiscal year 1988: States can use Bureau of Justice Assistance funds for one-time capital expenditures. The moneys appropriated can be used over a 3-year period. Some of the grants can be used by the States for start-up costs of multi-year programs. "We believe that scarce Federal dollars should be used for uniquely Federal functions," he said.

Another major point that Mr. Landers made during his testimony was that part of the shortfall in Federal dollars could be made up through sharing of assets under the asset forfeiture program. Sharing for this fiscal year is estimated at $28 million with an fiscal year 1988 projection to top $30 million.

Mayor Riley of Charleston, South Carolina, told Committee members that the Conference of Mayors is fighting drug abuse on all fronts. On November 18, 1986, mayors in 500 cities across America declared D-Day on Drugs. Also, in the fall of 1986, the Mayor's Clearinghouse on Drugs was established. In March and April 1987 regional workshops on drug control for mayors and police chiefs will be held.

Mayor Riley said that with the signing of the Anti-Drug Abuse Act of 1986 the Federal Government entered into a partnership with States and localities to combat drug abuse, but this partnership was betrayed when President Reagan submitted his fiscal year 1988 budget. He said that funding for narcotics law enforcement assistance should be increased to $625 million per year. This is the amount originally contained in Chairman Rangel's bill, H.R. 526, State and Local Narcotics Control Assistance Act of 1985. He also said that cities are likely to have little say about how the funds

will be spent because of control of distribution of the funds on the State level.

Mayor Edward Koch called it unconscionable that the President would cut drug abuse funding after declaring narcotics trafficking a national security threat, making a televised speech with Mrs. Reagan on the evils of drug abuse, and signing the Anti-Drug Abuse Act on October 27, 1986, if he knew then what he would do now.

In New York City the police department has made more than 100,000 drug arrests over the past 2 years. State and local governments have been placed in a no-win position. On the one hand, the inaction of the Federal Government leaves the States and localities to cope with the tons of narcotics which easily make their way to our cities and towns from cartels, such as the famed Pizza Connection case in his city. On the other hand, the same Federal Government refuses to equip the States and localities to begin to adequately combat the drug issue.

Mayor Koch stated, "denial of money for these vital needs is grossly unfair to the undermanned and overburdened State and local governments, which must do the majority of drug enforcement in this country, and are terribly underfinanced for this massive task. Moreover, it is contrary to the will of Congress. There can be no reasonable doubt that the funds for State and local assistance should be increased and not decreased."

Mr. Schoewe representing the National Association of Criminal Justice Planners, testified by failing to give large, local governments any legal standing, the legislation as written leaves these jurisdictions that are most afflicted by the drug abuse problem with a limited say in how these moneys are to be spent within their own boundaries much less say how to deal with the problem statewide. He testified that as currently constructed, the Anti-Drug Abuse Act does not guarantee effective participation of large jurisdictions in the block grant program.

The large urban and suburban jurisdictions in this country are the areas that tend to be most heavily afflicted with the problems of drug trafficking and drug abuse. For example, Los Angeles County contains 32 percent of the persons in the State of California, but it generates 46 percent of all the felony drug-related arrests in California. The city of Milwaukee comprises 13 percent of the population of Wisconsin, but it generates nearly 40 percent of the drug-related arrests in the State.

Mr. Schoewe stated, what galls many at the local level is when the State retains such administrative moneys and then requires localities to provide it with the information sought by the Federal agency administering the grant program. Localities are forced to comply because failure to do so means exclusion from consideration for grant awards. Consequently, while the State receives the administrative moneys it does little of the work required to meet the Federal administrative requirements.

Mr. Schoewe said it was the position of the National Association of Criminal Justice Planners that no administrative moneys should be made available in Federal block grants. His rationale was that the absence of administrative moneys assures a streamlined bureaucracy and reserves all of the Federal moneys for funding pro-

grams to address the needs identified by Congress. He recommended that the Anti-Drug Abuse Act of 1986 be amended to provide large jurisdictions with a fixed share of the block grant moneys. The NACJP advocates a threshold population of 250,000 as qualifying as a large jurisdiction. He said the NACJP is primarily concerned with obtaining an amendment to the legislation that would provide for the formula distribution of Federal assistance moneys to large jurisdictions within a State. Finally, he testified that there is a need to make explicit a broader range of objectives that can be sought within the major purposes of the act.

Rose Matsui-Ochi, Director, City of Los Angeles Criminal Justice Planning Office, testified that although only 5 months have elapsed since the passage of the Anti-Drug Abuse Act of 1986, it has become patently clear that the implementation of the enforcement grant program will short change Los Angeles. The administration asks cities to take more and more responsibility for the war on drugs—Congress enacts laws to provide assistance to local law enforcement—and the bureaucracies undercut their ability to secure any funds to bolster their beleaguered efforts.

Ms. Ochi recommended that the statewide narcotics law enforcement plan should include a major offender category, make enforcement a priority, not mandate local policy planning, target resources to areas with the greatest need, and provide a formula mini-block grant or entitlement to Los Angeles and other large cities. She also recommended that city prosecutors should receive some of the narcotics law enforcement money to help handle the large number of drug offenders they must prosecute.

RECOMMENDATIONS—STATE AND LOCAL DRUG ENFORCEMENT

1. At a minimum Federal financial assistance for narcotics law enforcement should be kept at the levels approved in the Anti-Drug Abuse Act. Higher levels of funding should be explored by the Committee on Appropriations and the Judiciary if current authorized levels are inadequate to assist the States and units of local government in effective drug law enforcement.

2. A matching requirement imposed on State and local governments for Federal financial assistance for narcotics law enforcement should be modest, if it is imposed at all. For example, the City of New York currently spends $250 million annually just for narcotics law enforcement. Most cities are already spending significant funds on drug enforcement.

3. State agencies charged with administering the program of State and local assistance for narcotics law enforcement should allocate funds to ensure that areas with the greatest need receive the needed resources. Further, State agencies should adopt procedures which ensure that local units of government have significant input in how Federal financial assistance is allocated under the required statewide plan.

4. Whether part of the funds designated for narcotics control assistance should be used for administrative expenses is a matter of dispute. The Select Committee recognizes that many local criminal justice planners oppose this expenditure at the State level because it dilutes the total pool of available funds. However, the prepara-

tion of a comprehensive statewide plan for drug enforcement activities funded by the grant program is an integral part of the assistance plan and it does not seem unreasonable to the Select Committee to designate a portion of the Federal financial assistance to help pay these costs. If a locality is called upon by the State to incur costs in the preparation of the statewide plan, it should be reimbursed those costs. Moreover, if the statewide planning function has been completed, State administrative funds should be reduced to a minimum level for program management.

5. A one-year funding cycle creates instability and uncertainty. Therefore, any program of Federal financial assistance to State and local governments for narcotics law enforcement should be funded through its authorized period.

6. The Attorney General or the Director of the Bureau of Justice Assistance should encourage State agencies responsible for administering the program of Federal financial assistance to State and local governments to ensure that large population centers receive their fair allocation of funds under the program.

7. A separate block grant formula should be considered for distributing the funds under the State and local narcotics control assistance grants program directly to large cities and counties.

HEARING ON DRUG ABUSE TREATMENT AND PREVENTION

On March 11, 1987, the Select Committee held the third of its oversight hearings on the implementation of P.L. 99-570, the Anti-Drug Abuse Act of 1986. This hearing focused on the implementation of the treatment and prevention provisions of the act.

The witnesses who testified at the hearing were:

Panel

Dr. Wayne Lindstrom, Co-Chairperson, Committee on Public Policy, National Association of State Alcohol and Drug Abuse Directors, and Chief, Bureau of Alcohol Abuse and Alcoholism Recovery, Ohio Department of Health.

Mr. Karst J. Besteman, Executive Director, Alcohol and Drug Problems Association of North America.

Panel

Dr. Donald Ian Macdonald, Administrator, Alcohol, Drug Abuse and Mental Health Administration, Public Health Service, Department of Health and Human Services, accompanied by Mr. Robert Trachtenberg, Deputy Administrator, Alcohol, Drug Abuse and Mental Health Administration.

Dr. Charles Schuster, Director, National Institute on Drug Abuse.

In his opening remarks Chairman Charles B. Rangel said,

> We will attempt not only to review how the Act is taking place, but more importantly, to get the Administration's view as to what is going on. Have the monies that have been made available been used, what are the ideas that the Administration has now, and whether or not the signing into law of this Act makes any difference at all in

the attitudes about whether or not this is a local or a Federal problem.

In his opening remarks Congressman Benjamin A. Gilman, the Ranking Minority Member of the Select Committee, stated that:

> In hearing after hearing, the Select Committee has learned of lengthy waiting lists for treatment and prevention across the country. It is a sorry state of affairs when one finds that an individual, honest and committed enough to enter a program of rehabilitative therapy, only to find scores of others standing in line ahead of that individual.
>
> Clearly, the lack of fiscal year 1988 funds as proposed by the Administration cannot be left to stand. We negate our own efforts to help combat drug abuse if we insist that funding for 1 year be made to last for 2, and, more importantly, such a perspective negates what we know to be the reality of the drug abuse crisis in this country.

Congressman James H. Scheuer said drug eradication abroad and drug interdiction were not going to solve the drug problem and that "It is in the area of treatment and education and prevention that the hope for the future lies." Congressman Stewart B. McKinney said that "Drug addiction is a Federal problem."

Congressman Walter Fauntroy stated that "Instead of *increasing* what was already an inadequate funding for treatment, in particular, we find a complete disregard for the whole crisis and the most cynical tokenism."

Congressman Joseph DioGuardi stated:

> The area of drug treatment and rehabilitation is one that has been of great importance to me for some time. It was through my work as a Board Member of the Phoenix House that my eyes were opened to the terrible personal tragedies that are caused by drug abuse. I cannot stress enough the absolutely critical need to get each and every dollar slated by Congress for drug programs to the areas of our country that are in great need.
>
> New York State is one of those States with desperate need at this time. Treatment centers are full to overflowing and waiting lists are months and, in instances, years long.

Mr. Karst J. Besteman, Executive Director, Alcohol and Drug Problems Association, discussed the method of distributing drug abuse treatment funds to the States. Specifically, addressing the needs-based formula contained in the Anti-Drug Abuse Act, he stated:

> There are many problems with a "need" formula. First, here is no common data bases in the fifty States. Second, each State approaches the need seeking a financial advantage. Third, the proposed solution seeks to achieve harmony and not equity.
>
> Had the Congress and Administration executed the initiative of 1986 on a population base only, all treatment funds could be committed to the community-based agencies

today. Instead, there are major delays in committing funds due to well intentioned efforts to gain small fiscal advantages in the name of need.

In his testimony Mr. Besteman also mentioned the need to improve the drug abuse data base and to adequately fund the Office for Substance Abuse Prevention.

Dr. Wayne Lindstrom told Select Committee Members:

> Perhaps the most critical implementation problem facing the NASADAD membership is the fact that the Administration is deliberately misrepresenting Congressional intent and informing States that they must spend their fiscal year 1987 emergency treatment moneys (which were to be allocated by February 27, 1987) over a 2-year period. Many States who had planned to immediately spend these much-needed moneys are greatly confused and the ability to significantly expand their treatment capacity is being severely diminished. If the States are required to spend the new emergency treatment moneys over a 2-year period, the impact of the fiscal year 1987 appropriation for this grant program—$163 million—will be reduced by 50 percent.
>
> The ability of States to expand treatment capacity to meet demand for services is also severely diminished by the fact that the administration has not recommended any new moneys for these treatment grants for fiscal year 1988. It is readily apparent that there is no long-term commitment from the administration to provide assistance to over overburdened publicly funded treatment programs and that the previous commitment lasted only 3 months. States are finding it difficult to secure widespread approval for the opening of new treatment programs or expansion of existing programs if there is only a short-term commitment by the Federal Government to these programs. States realize that if the Federal funds are withdrawn, they will have to once again make up for the Federal abandonment of the inviduals in need of treatment services.

Dr. Lindstrom stated that the National Association of State Alcohol and Drug Abuse favored a three-year renewal of the ADMS Block Grant, the emergency, supplemental treatment grants, and of Federal alcohol and drug research programs. He urged that the fiscal year 1988 budget of the Office for Substance Abuse Prevention be increased from $41.5 million to $65 million. He also stated that:

> We encourage the U.S. Congress to mandate that the State alcohol and drug agency be provided the opportunity to review and comment on the grant proposals or to at least be notified of the award of these grants. Resources to prevent and treat these tragic, costly illnesses are extremely limited and we must assure that a comprehensive approach is undertaken not only at the Federal, but also at the State level.

In his prepared testimony, Dr. Donald Ian Macdonald, Administrator, Alcohol, Drug Abuse, and Mental Health Association, described Administration initiatives implementing the Anti-Drug Abuse Act of 1986, highlighting activities of the National Institute on Drug Abuse. He stated:

> . . . the Congress in its Continuing Resolution for fiscal year 1987 provided an appropriation of $262 million for Drug Abuse Initiative with two-year obligational authority through September 30, 1988. In allowing the payout of funds over two years, we believe the Congress sought to assure the funds would be spent efficiently and allow for start-up time in the competitive grant and contract areas.

Among the new initiatives mentioned by Dr. Macdonald were the establishment of the Office of Substance Abuse Prevention within the Alcohol, Drug Abuse, and Mental Health Administration, and the creation of the Office of Workplace Initiatives within NIDA. Dr. Macdonald stated:

> The National Institute on Drug Abuse received $27 million from the drug abuse initiative. These monies will fund 40 new research project grants and 3 new research centers, as well as new starts in cooperative agreements, small grants and contracts, and enhancements of existing intramural research efforts.
>
> The NIDA effort is focused on a study of practical areas such as the efficacy of current drug treatment programs. Little is presently known on the long-term effectiveness of treatment programs for abuse of cocaine (or crack), PCP, or designer drugs.

RECOMMENDATIONS—TREATMENT AND PREVENTION

1. The Committee on Energy and Commerce should review the distribution of funds under both the ADMS Block Grant and the emergency grant program enacted in the Anti-Drug Abuse Act of 1986 to ensure that funds are distributed to the States in an equitable manner. To ensure that the needs of those persons currently in treatment continue to be met, any changes in the formulas for distributing funds to the States should be carried out in a way that will protect against disruption of existing services.

2. The ADMS Block Grant Program and the emergency program should be reauthorized for an additional three years. Any shorter period of time would seriously interfere with the stability of the program and could potentially disrupt the State planning process if major changes in the program were enacted on an annual basis.

3. The Congress should not mandate any additional set-aside programs or other requirements within the existing ADMS Block Grant unless these new initiatives are accompanied by adequate resources from the Federal level for implementation.

4. It is essential that drug abuse research be funded on a steady, regular basis, with incremental yearly increases in funding. "Roller coaster" funding cycles with deep cuts one year, followed by large (25 percent or more) increases in funding the next year, should be

avoided. Also, research contracts should be awarded on a 2- or 3-year basis to promote greater stability in the research effort.

5. The Anti-Drug Abuse Act also created within ADAMHA the Office for Substance Abuse Prevention. This Office can provide a useful public service by administering the "Alcohol and Drug Abuse Information Clearinghouse" and by awarding grants for "prevention, treatment, and rehabilitation model projects for high risk youth." If OSAP is to have any long-term impact in curtailing drug abuse in America, it must be provided with funding beyond 1987.

FEDERAL DRUG ENFORCEMENT AND INTERDICTION

On March 18, 1987, The Select Committee on Narcotics Abuse and Control held the fourth in its series of hearings on the Anti-Drug Abuse Act of 1986. The hearing was designed to examine implementation of provisions in the Act designed to enhance resources and toughen laws to assist our drug interdiction and law enforcement efforts.

Witnesses at the hearing were:

William von Raab, Commissioner, U.S. Customs Service.

Admiral Paul Yost, Commandant, U.S. Coast Guard.

Major General Stephen G. Olmstead, Department of Defense Task Force on Drugs.

Stephen S. Trott, Associate Attorney General, and Chairman, Enforcement Coordinating Group, National Drug Policy Board.

John C. Lawn, Administrator, Drug Enforcement Administration.

John F. Shaw, Assistant Commissioner for Investigations, Immigration and Naturalization Service.

Title I of the Anti-Drug Abuse Act of 1986, Anti-Drug Enforcement, focuses on Federal domestic drug enforcement, with the Department of Justice, the Drug Enforcement Administration, and the Immigration and Naturalization Service being primarily affected. Congress appropriated $296 million for drug enforcement activities.

Title III of the Act is referred to as the "National Drug Interdiction Improvement Act of 1986." The agencies affected include the Department of Defense, the U.S. Coast Guard, and the U.S. Customs Service. Congress appropriated $575 million for interdiction enhancement activities. Customs received the additional funding for personnel, air interdiction activities, and Command, Control, Communications, and Intelligence Centers (C3Is). The Coast Guard received funds for operating expenses, personnel to be assigned to naval vessels for interdiction efforts, and for acquisition and improvement of facilities. Funds were appropriated to the Defense Department for 4 E-2C radar equipped aircraft, and to refurbish 4 existing E-2Cs, to be transferred to the Coast Guard (2) and Customs (2). They also received funds for radar aerostats and blackhawk helicopters to be transferred to Customs and to install 360 degree radar on Coast Guard aircraft.

In his opening statement, Chairman Rangel referred to his recent visit to Colombia for a meeting of the Andean Parliament,

accompanied by Mr. Gilman, and the fact that very little is happening to reduce drug production in that area of the world. This being the case, and despite efforts to provide for demand reduction initiatives in the Anti-Drug Abuse Act, there is no evidence to suggest that we will see a reduction of either the supply of or demand for illicit drugs at any time in the near future. As a result, we will be forced to rely on increased interdiction in the short term, and we are here to see what progress we are making.

Ranking Minority Member Benjamin A. Gilman referred to our efforts to address both supply and demand problems, and the fact that demand reduction has been neglected for too long. He went on to point out that producing nations are now facing demand problems within their own borders. The fact of the matter is, however that no matter how much funding we provide, unless there is a concerted program, a national and an international strategy, we're not going to go very far.

Mr. Gilman concluded has comments by commenting on the recent Andean Parliament visit to Colombia and the very bleak picture in that part of the world. He made reference to the courageous members of Colombian press who have started a nationwide campaign against the traffickers.

In his testimony, Customs Commissioner von Raab referred to the seizure of 52,521 pounds of cocaine, 692 pounds of heroin, 2,211,068 pounds of marijuana and 17,555 pounds of hashish in fiscal year in fiscal year 1986. Despite these successes, Customs is now busy hiring, procuring and deploying the people and assets taken to date include the following:

Hiring of 996 new personnel;

Purchase of marine radar equipment and voice privacy radios;

Refitting of Customs P–3A with 360 degree look-down radar;

Design and Construction of the Command, Control, Communications and Intelligence Center;

Enhancement of the Bahamas Task Force;

Deployment and operation of 4 additional Blackhawk helicopters;

Modification of C–12 aircraft for marine tracking purposes; and

Deployment and operation of E–2C detection aircraft.

As to the serious threat faced along our Southwest border the Commissioner said that the bulk of personnel and assets provided by the Anti-Drug law have been allocated to that section of the country as part of Operation Alliance, which began in June 1986. It focuses on the narcotics smuggling along the southwest border, with cooperation between Customs, State, local and sister Federal agencies as the key ingredient in the effort.

Major points raised regarding Operation Alliance are:

Operational leadership is on a rotational basis between Customs and the Border Patrol

With increased personnel, cocaine seizures were up over 250 percent by the end of FY 86

Customs has loaned 375 radios to local and State law enforcement agencies so they can communicate with Customs as law enforcement actions take place.

Air interdiction remains one of the Service's most important operations. Resources have grown considerably since 1984; increasing from $31 million to $170.9 million in fiscal year 1987. Customs has been able to add personnel and extend hours of operation. Under the air interdiction provisions of the Anti-Drug Abuse Act:

Two E-2C aircraft have been obtained from the Navy and are currently operating out of San Diego.

Three of the four Blackhawk helicopters have been delivered with the fourth to come in mid-April.

Site selections have been made for the five aerostats provided for the drug bill, with the first to be totally operational in December, 1987.

Specifications for sensor equipment to be installed on C-12 aircraft are being developed.

Coordination is proceeding with the Department of Defense to acquire the NA/APS-138 radar system for the P-3 aircraft.

In the area of marine interdiction, 30 interceptor vessels, 10 support vessels and 3 radar platforms have been acquired since January 1986, and the Bahamas Task Force, consisting of helicopters, radar platforms and interceptor vessels to be manned by U.S. and Bahamian officers have been initiated. In addition, marine operations command centers, are similar to the Blue Lightening Operational Command Center in Miami, are being established in Houston, Texas, and Gulfport, Mississippi.

Finally, the majority of the design and development work is near completion on the Command, Control, Communications and Intelligence Centers (C3Is).

Under questioning, the following key points were made:

1. With a vastly increased budget since 1981, (from $400 million to over $1 billion today), Customs has many more personnel, better boats and planes and in general, better equipped to accomplish their goals.

2. While seizures are going up, so is production and we are still several years away from reaching the point where the seizure line will cross the line of production.

3. The decrease of the amount of drugs on the street will come slowly over the next few years.

4. A recent Office of Technology Assessment Report on drug interdiction claiming a great amount of overlapping in the interdiction effort was said to be dated and inaccurate.

5. As little as 5 to 7 percent of the heroin targeted for the United States is interdicted.

6. The Coast Guard and Customs Service have different areas of expertise in terms of their mutual interdiction mission, and they have a joint understanding of those missions and coordinate their activities. It is, therefore, not surprising that they have similar equipment.

7. There have been reports of radio communication problems between Coast Guard and Customs.

8. The Customs Service is now completely netted across the entire Southern border, with thousands of voice private radios, over 600 of which have been given to the sheriffs and police departments of all the counties and jurisdictions running from Fort Pierce across to San Diego.

9. The new C3Is will not duplicate the work already being done at the Blue Lightening Center and the Holmstead Center. Blue Lightening will be incorporated and Holmstead upgraded.

10. A potential problem is radio communications between Customs and Coast Guard in south Florida will be investigated.

11. Customs is getting no cooperation from Mexico on border interdiction efforts at the present time.

While Admiral Yost offered a few comments in the questioning period with Commissioner von Raab, a prior commitment required him to simply submit his prepared statement.

In his testimony, Admiral Yost stated that the Anti-Drug Abuse Act has improved their interdiction operations in a number of key areas. The easing of Mansfield amendment restrictions has allowed the Coast Guard to respond to maritime enforcement requests from the Bahamas, Panama and the Dominican Republic to engage in cooperative efforts within their territorial waters. In addition, the Act corrected problems regarding stateless and foreign vessels by allowing the State Department to certify existence of a suspected vessel's claim on foreign registry. If not certified by State, it may now be assimilated as stateless and subject to U.S. law.

While the Act provided an additional 500 billets for Coast Guard personnel on Navy ships, experience with the availability of suitable Navy ships indicates that 300 people is adequate. Recruitment and training are underway, and positions should be filled by July.

The area of air interdiction is one of the Coast Guard's highest priorities, and a concept of operations to efficiently provide Coast Guard assistance to other federal air interdiction efforts has been devised.

Additional funds provided by the Anti-Drug Abuse Act are being fully utilized in the areas of secure communication, the operation of two E–2Cs and operation of HV–25A medium range surveillance fan jet aircraft. In addition, $38 million of the $89 million AC&I funding to procure two C–130 aircraft have been expended.

Operators are proceeding on the construction of a drug interdiction docking facility in the Bahamas and to establish a maintenance and boat lift facility usable by Coast Guard and Bahamian vessels. Interdiction efforts in the Bahamas includes continuing support for Operation Bahamas, Turks and Caicos (OPBAT), and 24-hour Coast Guard support will be provided by October, 1987.

In his prepared testimony, Major General Stephen G. Olmstead, USMC Director, DOD Task Force on Drug Enforcement, concentrated on his dual role as Deputy Assistant Secretary for Drug Enforcement Policy and Director of the DOD Task Force on Drug Enforcement, making him responsible for overall activity coordination of DOD's role in civilian drug law enforcement activities.

He made the following key points:

The proper role for the military in the drug war is to provide support to civilian law enforcement agencies while not compromising the traditional separation of military and civilian activities.

Assistance provided so far is primarily in three areas: airborne surveillance, equipment loans and general support, with airborne surveillance providing the largest area of support.

In fiscal year 1986, over 3,149 sorties were flown amassing 15,727 flight hours, an increase of 52 percent over 1985.

Navy E-2s provided 1,638 hours of aerial surveillance for the Customs Service in the Caribbean, along the Mexican border, the Gulf of Mexico, as well as the offshore waters of California and Florida.

The Air Force increased its AWACs support by 83 percent over fiscal year 1985.

The Air Force operates two aerostat radars located in Florida providing lock-down capability against low-flying aircraft. Both are digitally linked to the Customs Service Miami facility and the Tyndall Sector Operations Control Center (SOCC), and were operational over 8,400 hours in 1986.

Equipment loans are a key ingredient in DOD support. Through fiscal year 1986, over $138.65 million of equipment was loaned to civilian law enforcement.

The Navy loaned two E-2Cs (radar equipped aircraft) to Coast Guard and two to Customs in compliance with the Anti-Drug Act.

In Operation Hat Trick II, DOD aided operational planning, developed interagency voice privacy radio networks, and provided expanded intelligence support.

"Operation Blast Furnace" in Bolovia is the prime example of assistance provided to other countries. Our specific support included aircrew and logistics support personnel for U.S. Army Blackhawk helicopters.

DOD is actively supporting expansion of the program to embark TACLETS of Coast Guard personnel aboard U.S. Navy ships.

As a result of the National Security Decision Directive (NSDD) signed by the President, DOD will work closely with the law enforcement community to increase their support.

In response to questions, General Olmstead stated that the equipment loaned so far has been on DOD expenses. He further stated that the fight against narcotics has intensified so rapidly over the past few years that many agencies do not know exactly what equipment from the military would be most helpful, and it is a primary part of his job to make such suggestions.

In terms of an overall strategy, the National Drug Policy Board has formed a Task Group which is headed by the Department of Defense, which is to come up with recommendations for a long-term strategy.

The second panel of witnesses dealt with the enforcement side of our anti-narcotics efforts. Stephen S. Trott, Associate Attorney General, U.S. Department of Justice, submitted his prepared testimony for the record. It included the following key points:

U.S. Attorneys have over 6,300 cases pending, which have produced indictments or charges by complaint involving over 12,500 defendants.

New resources provided in the Anti-Drug abuse Act will significantly increase their caseloads.

The continuing Resolution provided fiscal year 1987 funds of $351 million for the U.S. Attorneys, of which $31 million was authorized by the Anti-Drug Abuse Act. These funds will allow for the filling of positions that were vacant in 1986 due to resource reductions imposed by Gramm-Rudman-Hollings.

U.S. Attorneys received enhancements in 1987 of 90 positions (60 attorney and 30 support staff) along with $6 million. These re-

sources will be used to address increased caseloads resulting from the Southwest border initiative "Operation Alliance." The positions will be filled in the near future.

Mandatory minimum sentence provisions will generate an increase in the number of prosecutions going to trial, as defense attorneys may be less inclined to plead their clients guilty.

Expanded asset forfeiture provisions have expanded the government's authority, and under the direction of the Policy Board Coordinating Group, interagency agreements are being prepared to ensure effective use of forefeited funds.

The 13 Organized Crime Drug Enforcement Task Force (OCDETFs) have been highly successful over the past four years, producing over 3,300 indictments for drug-related offenses and over 5,300 convictions.

Increased investigations and prosecutions will place increased demands on the Marshal's Service, especially in the area of short-term facilities to house prisoners. Currently, two-thirds of all prisoners are in contract facilities, with a 20-percent increase over current expenditures expected.

If the U.S. Attorneys OCDETFs and U.S. Marshals all use their resources effectively, the Federal Bureau of Prisons will also have an expanded role.

The populations of the Bureau's 47 institutions is now 42,000—50 percent above the total rated capacity of the Federal Prison System; drug violators account for 37 percent of the population.

Increased funding for Federal prisons is being utilized with a $45 million facility under construction in Jessup, Georgia, which is scheduled for completion in 1989.

With mandatory minimum sentences in effect, the impact will be fully realized in 1990, when drug offenders incarcerated for crimes classified in the medium severity range would normally be released.

It is projected that by 1993, the total Federal Prison System populations will be approximately 93 percent greater than the system's rated capacity.

Questioning of Mr. Trott centered on his role as Chairman of the Enforcement Coordinating Group of the National Drug Policy Board.

In terms of an overall strategy Mr. Trott presented a booklet titled "National Drug Enforcement Policy Board, National and International Drug Law Enforcement Strategy", dated January, 1987. The strategy is a product of the Drug Policy Board and the Coordinating Group. The booklet contains a fairly comprehensive outline of the approach to be taken, all be it rather a broad brush approach as all strategies are. It is complemented by each one of the participating agencies with their own internal policies.

The Drug Enforcement Policy board is currently in the midst of a reorganization, having been the national Drug Enforcement Policy board, but recognizing the interrelationship of both supply and demand reductions, has expanded to incorporate both of these factors. The Board has two coordinating groups; one which Trott chairs on the enforcement side and one which Dr. Ian Mcdonald chairs on the demand side. Foreign Policy is handled in the Enforcement Coordinating Group by Assistant Secretary of State for

International Narcotics Matters, Ann Wrobleski. The Board is a Cabinet level board.

Chairman Rangel raised the point that if production is recognized as such a serious problem, it is important for the Secretary of State to speak out on the issue, and to the best of his knowledge, the Secretary had not done that. Mr. Trott responded by saying that Secretary Schultz had given a stirring speech to our Ambassadors last year when they were recalled for a meeting. He has also been extremely forceful in his dealings with the Government of Mexico regarding their handling of the Camarena case.

In terms of the foreign policy aspects of our drug programs, Chairman Rangel raised the point that he and Ranking Minority Member Mr. Gilman had just returned from Colombia, and a meeting with President Barco. Colombia is facing tremendous problems. No drug traffickers will be arrested or prosecuted in any civilian Court in Colombia, and their Supreme Court has found unconstitutional the trying of drug traffickers in the military court. All that is left is extradition, and the Supreme Court has just knocked down the extradition treaty. The terrorists groups have a cease-fire with the Government, and as a result, they are in the process of increasing the laboratories for the production of cocaine. The Chairman inquired about out strategy concerning Colombia.

Mr. Trott responded by saying that our approach was multi-faceted, but first on the list was our eradication program. The Chairman responded that because of possible liability problems, a U.S. chemical company will not provide coca herbicide to the Colombians. As a result, not one drop of chemical has fallen on any coca leaf in Colombia.

The Chairman concluded by saying that we need to become more deeply involved both in Colombia and on a regional and international level to wage a coordinated fight against the traffickers. We have not really done that to date.

Other points made under questioning were:

While the National Drug Policy Board was established on Feb. 3, 1987, the Executive Order on establishment has not as yet been signed because of the lengthy process involved in drafting and having such an order approved.

The Office of Technology Assessment report on overlapping and fragmentation in our interdiction efforts is outdated, and OTA may not have had access to all that was going on, according to Mr. Trott.

The demand side of the equation must receive greater attention in the United States.

There is no way to predict how much more we will be interdicting with increased personnel and equipment. Our goal is to interdict everything we can.

A Management and Communications plan has been developed with the National Policy Board and will be shared with the Committee.

Any serious consideration of a merger between DEA and the FBI will be fully discussed with the Congress.

Drug diversion continues to be a serious problem and at the urging of the Justice Department $2.7 million was provided for

drug diversion program in the 98th Congress, but the money has never been spent.

In his prepared testimony, DEA Administrator John C. Lawn made the following key points:

DEA has emphasized diversion control and clandestine laboratories programs, particularly focusing on State and local operations, in conjunction with the Bureau of Justice Assistance (BJA) grants programs.

The Controlled Substances Analog Enforcement Act of 1986 does not specifically schedule analogs, but provides an effective weapon against them.

Attorney General Meese was called upon to study the need to control the diversion of precursor and essential chemicals.

The Act authorizes DEA to deputize State and local officers with authority under the Controlled Substances Act, Title 21, to permit joint Federal level investigations with DEA special agents.

The Anti-Drug Abuse Act of 1986 authorized BJA to make grants for special programs.

Subtitle O of the Act created a new offense that makes it unlawful to offer for sale or transport in interstate commerce or to import drug paraphernalia.

Postal Inspection has begun active enforcement of the mail order prohibitions of the Act.

Local Task Force Programs have been established with DEA agents and State and local police officers.

In 1986, 35 Task Forces were operating, the new bill enhanced that number by 5 to 41, adding the number of new positions to 94.

The Act assigned 218 positions and $8 million to DEA domestic field staffs to combat increased cocaine trafficking.

New "crack" teams will be established to respond to the emerging problem.

Congress earmarked $13 million for air operations, including $8.4 million for specific aircraft.

The Act established a U.S.-Bahamian Drug Interdiction Task Force made up of Customs, Coast Guard, DEA and Bahamian authorities.

In his opening comments, Mr. Lawn went into detail on the coordination role the National Drug Policy Board played in operational Blast Furnace in Bolivia. Through the International Drug Enforcement Conference (IDEC), where DEA meets with the heads of the narcotics bureaus from each of the South American countries, six major countries requested assistance in funding a communications network to assist them in their regional efforts to fight drug trafficking. At DEA's request, INM funded the project in fairly short order. At the same time, the Government of Bolivia was seeking assistance from sister countries in the region for logistical support in the form of helicopters. DEA went to the Drug Enforcement Policy Board and reported that there was a strategy where we could provide logistical support to the Government of Bolivia, and action on the request needed to be taken expeditiously. Within 10 days, the Attorney General had requested the assistance from the Secretary of Defense, and the helicopters were provided.

After the Operation had been completed, an aerial survey determined that some of the refineries that had been destroyed were

back in operation. Because the helicopters had been returned to the military, DEA went to General Olmstead and requested that the helicopters be replaced. They were replaced, and Bolivian troops are currently training on the helicopters, as well as using them to return to destroy the rebuilt refineries.

Under question Mr. Lawn made the following points.

As a result of the meeting between the Chairman, the Ranking Minority Member and Colombian President Barco, the Colombian military has been ordered by President Barco to do what they are supposed to be doing and hit refineries in FARC controlled territory.

Information and charges made in the Office of Technology Assessment report are based on dated information.

The Department of Defense in planning an extensive high technology review for drug law enforcement, and they have asked all the law enforcement components to provide technical experts for a conference on the issue which will take place in late spring or early summer. Such a conference is the first of its kind.

A jurisdictional problem developed over a provision of the Anti-Drug Abuse Act between the Customs Service and the Coast Guard over authority to work with the Bahamian Task Force. The bill provided $10 million to Customs, but a question arose over the authority of Customs to work in a foreign country. A subcommittee of the Policy Board met to resolve the situation and decided that the Coast Guard had such jurisdiction. They are currently making six helicopters available, and will be the ones supporting the Bahamian effort.

While there is never "enough" intelligence, every effort is made to share whatever information we do have. Mr. Lawn will be chairing a drug intelligence subcommittee to look at the intelligence picture from both strategies and tactical standpoints the latter primarily directed at the interdiction effort!

The military is an integral part of our intelligence gathering and sharing capability.

The Act provided for the establishment of an All-Source Intelligence Center (ASIC). It is currently being decided if an expansion of the El Paso Intelligence Center (EPIC) would provide what is needed for such a center, or if a whole new facility is needed. As Chairman of the Intelligence Subcommittee, Mr. Lawn will be looking into that situation. The ASIC will become a reality next year.

Budget constraints were a problem for personnel strength until last year when Congress provided $60 million under the Anti-Drug Abuse Act. The additional funds will mean an immediate enhancement for DEA in South America of 33 special agents and 50 support people. DEA will also look into the need for additional personnel on the European continent.

DEA will be onboard Customs aircraft to assist in drug trafficking investigations in midair.

In terms of an international strategy, we must work much harder in source countries in developing intelligence in order to improve our interdiction and enforcement capabilities.

The prepared testimony of Mr. John F. Shaw, Assistant Commissioner for Investigation, Immigration and Naturalization Service contained the following key points:

Under direction from Commissioner Nelson, INS has initiated the Alien Criminal Apprehension Program (ACAP); an aggressive pilot project with the objective to remove alien criminals from the United States.

The Program is both proactive and reactive; and will target selectively, among other things, narcotics related offenses.

Special operational units will be created, with teams consisting of INS and State and local enforcement officials working areas with high concentration of alien participants or suspects.

The ACAP Program has three main phases:

(1) Management and administrative improvements;

(2) Limited tactical endeavors with temporary manpower commitments; and

(3) Multiple and/or simultaneous operations conducted nationally or, at a minimum, at several major metropolitan areas.

The Immigration and Nationality Act was recently strengthened through the Anti-Drug Abuse Act in that INS may now seek the deportation of those narcotics traffickers involved in synthetic and/or designer drugs.

Without a "speedy trial" rule, the INS administrative docket, coupled with past resource limitations in terms of the number of Immigration Judges (IJs) available to conduct hearings, has resulted in overwhelming case backlogs.

With 1.8 million illegal aliens in fiscal year 1986, the recently enacted Immigration Reform and Control Act (IRCA) will help INS to address this crisis by providing new resources, as well as Immigration Judges to conduct deportation proceedings in a timely manner.

While statutory grounds for deportation need not be altered, a mechanism to ensure timely resolution of the case, such as a statutory limit on the appeals process, is needed.

Changes need to be made in that section of the United States Code designed to prevent re-entry after deportation.

On December 23, 1986, Deputy Attorney General Arnold Burns agreed to a plan to include INS in the OCDETF.

The Investigative Division has accorded individual aliens and criminal alien organizations one of its highest priorities within its case management system.

INS Border Patrol responsibility has been effectively increased as a result of the passage of the Anti-Drug Abuse Act of 1986, by indirectly placing greater emphasis on the Border Patrol's responsibility for interdiction of drugs between ports of entry along the United States land border, especially along our Southwest border.

As a result of the Act providing for large increases in marine and air interdiction capabilities, for the U.S. Customs Service and the Coast Guard, smugglers will increase their operations through the Border Patrol's area of responsibility.

The Immigration Reform and Control Act of 1986 will increase Border Patrol capabilities to interdict drugs across the U.S. border. The Act provides for a 50 percent increase in Border Patrol staffing by the end of fiscal year 1988, along with increases in night vision detection equipment and the addition of rotary-wing aircraft support.

In his brief opening remarks, Mr. Shaw spoke in terms of the effect of both the Anti-Drug Abuse Act of 1986, and the Immigration Reform and Control Act of 1986, and the Immigration Reform and Control Act of 1986, and the fact that the investigations program under the provisions of both acts is doubling its force in size. INS has a supplemental request for 1988, which would allow for an increase in the interior investigations enforcement program by 932 positions, because the program has been on the decline for 10 years.

In 1988, INS expects to turn 35 agents onto the problem of tracking and identifying criminal alient narcotic offenders, and make them eligible for deportation. The Act also requires INS to undertake four pilot with projects to enhance the exchange of information and level of communication between State and local criminal justice agencies. The locations of the pilot city projects are New York, Miami, Chicago and Los Angeles.

At the present time, New York City INS has 91 special agents who are at times responsible to answer calls for assistance from 30,000 New York City police officers.

This year, INS has come in as a full partner in the Organized Crime Drug Enforcement Task Force, and is currently staffing to accomplish this goal.

In addition to other responsibility, by reason of its presence along the expansive Southwest Border, INS has taken on the responsibility as the lead agency in additional manpower, money and technological support into that area in order to carry our its responsibility in this joint interagency operation. INS officers there have DEA and Customs cross-designated authorities. What is needed at the present time is clarification of the enforcement authorities of the INS officer, to allow him without confusion to effect arrests for felony violations. A bill is being drafted to accomplish this goal.

Further points raised by Mr. Shaw under questioning were:

INS has been a missing piece in our enforcement puzzle;

INS has enormous expertise to bring to the cause;

A report on "Criminal Aliens," a National Strategy, has been submitted to the Congress; law enforcement officer status for INS officer is being sought;

Training is being funded to cover the stronger application of the INS effort in narcotics enforcement.

HEARING ON DRUG INTERDICTION

On Thursday, April 30, 1987, the Select Committee on Narcotics Abuse and Control held a follow-up hearing on drug interdiction issues.

The witnesses who testified at the hearing were:

Admiral Paul Yost, Commandant United States Coast Guard.

William von Raab, Commissioner United States Customs Service.

Stephen S. Trott, Associate Attorney General, and Chairman, Enforcement Coordinating Group National Drug Policy Board.

Admiral Yost indicated that the Coast Guard was still having a problem with its communications equipment in South Florida, specifically with radio compatability so that Coast Guard personnel could converse with other law enforcement agencies. In his prepared statement he said the $11 million authorized by the Anti-Drug Abuse Act for secure communications is being fully utilized. This is divided as follows: $5 million for VHF-FM equipment; $3.5 million for tactical command, control, and communications, $1.5 million for aircraft secure communications, $.5 million got long-range HF communications upgrades.

Concerning the issue of coordination between Coast Guard and Customs interdiction efforts, Admiral Yost said that both he and Commissioner von Raab had been heard in deliberations of the National Drug Policy Board. He indicated in his prepared testimony that the area of air interdiction is one of his highest priorities, and an operational plan to efficiently provide Coast Guard assistance to other Federal air interdiction efforts has been devised in concert with the National Drug Policy Board.

Admiral Yost told Committee members that $8.6 million of the $39 million in Appropriations Supplemental Funding is being used to operate two E-2s with operating costs of the airplanes at $7 million and personnel costs at $1.6 million. $38 million of the $89 million acquisition, construction, and improvements funding given to the Coast Guard to procure two C-130 aircraft have been implemented. Delivery is expected in December 1987.

Commissioner von Raab did not deliver a formal statement to the Committee, but rather submitted his earlier testimony given at the Select Committee's March 18, 1987, hearing. In his testimony Commissioner von Raab stated that P.L. 99-579, the Anti-Drug Act of 1986, is only the most recent congressional action confirming the status of the U.S. Customs Service as the "lead Federal agency" for drug interdiction at the borders. The omnibus drug bill of 1986 provided Customs with $137 million over and above the $863.8 million that Congress had provided Customs through the normal appropriations process bringing Customs total fiscal year 1987 to slightly over $1 billion. Of this $137 million, $44 million was authorized for the Customs Salaries and Expenses Account, and $93.1 million was authorized for the air program operations and maintenance account. The Commissioner stated that the bulk of personnel and assets provided by the omnibus drug bill hvae been allocatged to the Southwest sector of the country. Resources which the Customs Service received from the passage of the omnibus drug bill include two E-2C aircraft, four additional Black Hawk Helicopters, two additional high speed intercept aircraft, five aerostats and funds to modify the C-12 aircraft with sophisticated sensor equipment and to enhance our P-3 aircraft with 360 degree look down radar.

Mr. Trott did not deliver a prepared statement. He was questioned by the Committee concerning coordination of Federal drug policy efforts. Trott resisted criticism of the National Drug Policy Board as an effective means of drug policy management. He painted the board as an arm of the "cabinet" form of government favored by President Reagan. Chairman Rangel challenged Trott's description of the effectiveness of the Administration's coordination efforts. Rangel pointed to rising drug production in foreign coun-

tries, ineffective interdiction efforts at the border, overwhelmed domestic drug law enforcement, and inadequate drug abuse treatment, prevention, and education as calling into question the Administration's present strategy. The Chairman called for the appointment of a single, high-level official by the President to coordinate Federal drug policy. Mr. Rangel stated that neither Attorney General Meese as chairman of the policy board, nor Mr. Trott, as his deputy for drug policy matters, have the time to devote to crafting an effective strategy and resolve disputes between the agencies involved in drug policy.

Mr. Trott's testimony, once again, revealed the philosophical opposition of the Reagan administration to a program of Federal assistance to State and local governments for narcotics law enforcement. He stressed the strides the Administration had made in negotiating extradition and mutual legal assistance treaties with foreign governments, while simultaneously admitting that the narcotics situation was bad in certain countries, especially Colombia. He cited Operation Alliance, which is designed to curtail narcotics trafficking along America's Southwest border, as a success of the National Drug Policy Board.

RECOMMENDATIONS—FEDERAL INTERDICTION AND ENFORCEMENT

1. The Federal drug enforcement effort needs to be better coordinated. The various executive departments, agencies, and bureaus with drug control responsibilities lack a unified focus and are often at odds in carrying out their respective mission. Problems are often resolved from the "bottom up" employing a least common denominator method of dispute resolution where the goal is to satisfy in part the various demands of competing agencies and not achieve a comprehensive solution to a particular problem. The National Drug Policy Board is not a sufficient response to the coordination issue. While it may improve cooperation on selected issues of operations, the board itself merely institutionalizes the current decision making process. The Administration must review the way it wages the "War on Drugs" with a view toward achieving strong leadership over all the agencies involved in the effort and effective implementation of a "top down" Federal drug strategy. Study should be given to the appointment of a single individual to coordinate and implement Federal drug policies. If this idea proves to have merit, such an individual should have Cabinet rank and be placed within the Executive Office of the President. H.R. 2454, the National Narcotics Leadership Act, has been introduced by Chairman Rangel to establish such a position in the White House. Members of the Select Committee cosponsoring H.R. 2454 are Benjamin A. Gilman, Peter W. Rodino, Jr., Fortney H. (Pete) Stark, James Scheuer, Cardiss Collins, Daniel Akaka, Frank Guarini, Robert Matsui, Dante Fascell, Walter Fauntroy, Mel Levine, Solomon Ortiz, Lawrence Smith, Ed Towns, Lawrence Coughlin, Stan Parris, Duncan Hunter, Robert Dornan, and Joseph DioGuardi.

2. The Select Committee commends the dedicated personnel of the U.S. Coast Guard, the U.S. Customs Service, the Drug Enforcement Administration, and all the other Federal, State, and local agencies involved in the war on drugs. We understand that while

dedicated to the war on drugs, law enforcement personnel take justifiable pride in the contributions of their individual agencies. We hope, that with lead agency responsibility assigned to these agencies by the National Drug Policy Board, particularly as it relates to air interdiction, that the turf battles among different agencies will be minimized.

3. The Members of the Select Committee are pleased by the passage of P.L. 99-570, the Anti-Drug Abuse Act of 1986. This Act provided extensive new resources to both the U.S. Coast Guard and the U.S. Customs Service. The Select Committee will monitor use of these assets carefully to see what impact they are having in the drug war. We want to be supportive of the efforts of all narcotics law enforcement agencies. We expect the Coast Guard and the Customs Service to keep the Select Committee informed of their progress and what additional resources and personnel are needed. The Select Committee is particularly concerned that availability of compatible radio equipment continues to be a problem in South Florida. We hope that the moneys provided the Coast Guard in the Anti-Drug Abuse Act will remedy this situation.

4. The Select Committee strongly supports the idea of sharing forfeited assets among Federal agencies and their State and local counterparts who assist in drug investigations. The Committee wishes to reiterate, however, that sharing of forfeited assets is not a substitute for a comprehensive program of Federal assistance to State and local governments for narcotics law enforcement, such as provided in the Anti-Drug Abuse Act.

5. There is a potential communications problem between the Customs Service and Coast Guard in South Florida which requires the immediate attention of the Policy Board.

6. The battle against narcotics trafficking has intensified so rapidly over the past few years that many agencies involved do not really know what equipment from the military would be most useful to them. The DOD Task Force examining this issue should, as expeditiously as possible, provide guidance to Federal, State and local law enforcement as to what DOD assets are most useful to their respective needs and missions.

7. Our interdiction and enforcement efforts cannot be successful if the growing demand for illicit drugs is not checked. Far more attention and financial resources must be applied to demand reduction.

8. In terms of an international strategy, we need to work much harder in source countries in developing intelligence to improve our interdiction and enforcement capabilities.

9. There is a need for clarification of the enforcement authorities of Immigration and Naturalization Service (INS) officers to allow them to effect arrests for felony violations.

HEARING ON FISCAL YEAR 1988 BUDGET DECISION MAKING AND THE INTERNATIONAL NARCOTICS CONTROL PROVISIONS OF THE ANTI-DRUG ABUSE ACT OF 1986, MARCH, 25, 1987

On March 25, 1987, the Select Committee on Narcotics Abuse and control held its fifth in a series of hearings on implementation of the Anti-Drug Abuse Act of 1986. Originally scheduled to cover

the international narcotics control portion of the legislation, the hearing was expanded to include the fiscal year 1988 narcotics budget recommendations of the Administration when Office of Management and Budget Director James C. Miller III accepted a Committee request that he testify. Testifying on behalf of the Department of State's Bureau of International Narcotics Matters (INM) was Jerrold Mark Dion, Deputy Assistant Secretary for INM.

In his opening remarks, Mr. Gilman alluded to the fact that the Anti-Drug Abuse Act of 1986 was thought to have signaled that the Federal Government has finally made a long-term commitment to the fight against drug trafficking and drug abuse. What has been shocking over the past few months has been the proposed Fiscal Year 1988 budget which, through the Office of Management and Budget (OMB) reduces or eliminates funding for drug programs ranging from education and rehabilitation to State and local law enforcement assistance. As a result, many of the programs created by the Anti-Drug Abuse Act will not be given the opportunity for implementation.

Mr. Gilman went on to say that "the purpose of our hearing today will be to learn just how these budget decisions were made, who made them and why the drastic cuts were made. In addition, we will want to know if full and open consultation took place among drug agencies, or if these decisions were made in a vacuum. Finally, we will want to know if the President, in view of the commitment he made in signing the bill, was involved in this process. Ultimately, we will want to know if OMB believes that the war against drugs has been won, in light of State Department reports that we can expect bumper crops of cocaine, heroin and marijuana in 1987. The State Department will also report to us today on what they are doing to control the international production and trafficking of drugs and who we certified virtually every producing and trafficking nation as 'fully cooperating' with us in their efforts."

In introducing OMB Director Miller, Chairman Rangel thanked him for the way he responded to the Committee, and expressed the wish that others in the Administration had responded in the same fashion. He went on to request that Mr. Miller address certain issues in his testimony. First, what procedures were followed in determining that capital equipment for interdiction was a one-time operation, in view of the fact that Customs Commissioner Von Raab had testified before the Select Committee that it will be a number of years before he knows if the equipment he has will be effective. Secondly, we will want to know why the decision was made to make State and local drug law enforcement assistance a one-year program instead of the three year program authorized by Congress. Finally, we need for you to address the decision-making process in drastically reducing drug education funding support, in view of the fact that it is recognized that demand reduction will be a key to success in our efforts to assist source countries in halting production, and in our interdiction efforts.

Representative Ortiz and Stark each waived their opening statements but expressed concern over the loss of funds to their districts for these essential programs.

In this testimony, OMB Director Miller followed his prepared statement closely and made the following key points.

Recent reports that the Administration has retreated in its all-out war against drugs is far from the truth. The problem is that the President's budget must strike the difficult balance between reducing the deficit, while maintaining essential Federal programs. The drug programs contained in the fiscal year 1988 proposal clearly fall into this category.

Virtually the entire Cabinet, in the forum of the National Drug Policy Board, meets monthly to address this single issue.

Since 1981, resources devoted to drug enforcement, prevention and treatment programs have grown by 220 percent in nominal dollars. This growth has been concentrated in the high priority areas of investigations (up 185 percent), prosecution (up 77 percent), interdictions (up 247 percent), corrections (up 263 percent), drug abuse prevention (up 277 percent) and drug abuse treatment (up 92 percent).

Under the President's budget, it will spend even more in fiscal year 1988.

The fiscal year 1988 budget requests a net increase of $72 million for drug law enforcement program outlays over outlays for fiscal year 1987. This will provide for:

More than 400 new workyears for DEA's programs in investigations, intelligence, foreign operations, computer support, and technical support;

Nearly 100 additional agent and support positions for the FBI's drug program;

Approximately 500 new Federal litigators and support staff to prosecute drug traffickers;

An increase of $24 million for the U.S. Marshal's drug-related responsibilities of prisoner transportation and court security;

The addition of approximately 800 new bed spaces to the Federal Prison System for drug violators; and

Continued support for over 2,300 Treasury and Justice Department enforcement personnel allocated to the Southwest border as part of Operation Alliance. This special operation, which is a product of the Drug Policy Board, will greatly increase the government's anti-drug presence along the Mexican border.

The misconception that the Administration is retreating from its' war against drugs is further highlighted by the fact that during fiscal year 1987, we will purchase five aerostats, deploy four E–2c aircraft, construct three command and control centers and one intelligence center, and add several hundred new law enforcement personnel to our drug enforcement effort.

Activities in the President's budget are not limited to drug enforcement. The budget proposes spending $385 million in fiscal year 1987 and the same amount in fiscal year 1988 to expand State and local treatment capacity, improve and disseminate prevention models, and extend our knowledge of the causes of drug abuse. This represents a greater than 80 percent increase over fiscal year 1986. By utilizing a 2-year spending plan, we will continue the momentum developed in fiscal year 1987 by maintaining treatment, re-

search, and prevention program levels at the elevated fiscal year 1987 level.

A full commitment to drug prevention in the nation's schools and communities is also included in the budget proposal. The budget funds the new drug education program for the duration of its 3-year authorization—at $200 million fiscal year 1987, and $100 million in each of the two next fiscal years. The $200 million in fiscal year 1987 will finance non-recurring costs such as planning and purchases of materials, as well as basic program operations.

As in many education programs that operate on a forward-funded cycle, considerable time will elapse between when funds are appropriated and when they are used at the local level. Local spending of Federal funds for drug education will be minimal in fiscal year 1987, and will increase to a steady level in fiscal year 1988 and 1989. Thus, the fiscal year 1988 request of $100 million should not lead to cutbacks in local programs.

Much of the reported reductions in funding for fiscal year 1988 are not reductions at all, but can be attributed in large part to fiscal year 1987 spending on capital purchases. These purchases simply don't have to be repeated in 1988.

An example of such capital purchases that don't have to be repeated is the $58 million for five aerostats. These five purchased in fiscal year 1987 combined with the pre-existing aerostat on the southwest border will provide full coverage of our border with Mexico and need not be repeated.

The only real proposed reduction from fiscal year 1987 to 1988 is the State and local law enforcement drug grant program. The Administration has felt and continues to feel that programs that primarily benefit a local community should, in most cases, be paid for by that local community. The grant programs funded in the 1970s by the Law Enforcement Assistance Administration (LEAA) were phased-out for this very reason.

The anti-drug fight cannot necessarily be correlated with spending ever-increasing Federal dollars; but must be a partnership—the Federal Government, State and local governments, schools, churches, unions, charitable organizations and families.

On the conclusion of his testimony, Chairman Rangel inquired of Mr. Miller about the thinking of the Administration in regard to the failure to fund the State and local drug law enforcement program. Do you just pick and chose what parts of the law you wish to obey? Mr. Miller responded by saying that the Administration had consistently opposed this section of the bill, and when the President signs a law, he may still have misgivings about certain provisions. When you keep in mind that the President's budget it a proposal to Congress, what we have done is proposed a change in that law.

In the area of Federal support for education, the Chairman made pointed reference to the fact that prior to the drug bill, only $3 million of an $18 billion education budget was directed at drug education. Mr. Miller responded by saying that the Administration had proposed a $100 million program prior to the drug bill, but the Chairman asserted that this was only done when it became clear Congress was going to pass a bill of its own.

Interest shifted back to the overall decision-making process on budget priorities and how budget recommendations were finally arrived at. Mr. Miller indicated that the area of narcotics is unique in that the National Drug Policy Board makes these decisions. While enforcement efforts must be a partnership, it does not mean that one partner supplies the other partner with ever-increasing funding support.

Mr. Ortiz raised the point that his district in southern Texas was under tremendous strains in coping with the problem of the flow of drugs from Mexico. They need even more assistance because they are fighting an international war for the rest of the country with local funding from the local government, and they cannot continue to do it. They simply do not have the tax base, manpower or technology to do the job.

Mr. Miller responded by suggesting the possibility of altering the funding formula to assure that areas which need more of the funds could get them.

Questioning of Mr. Miller concluded with his assertion that what the Administration was trying to do was to accommodate the extra resources Congress has provided and spend it in the most efficious way. The Chairman responded by saying that what the Committee was trying to do was to reach an agreement with him on the appropriate amount of monies necessary to conduct the war on drugs.

Deputy Assistant Secretary of State for International Narcotics Matters (INM) Jerrold Mark Dion made the following key points in his testimony, which centered on the International Narcotics Control Strategy Report (INCSR) and the new certification process based on the report, budget proposals for 1987–88 and other international narcotics control matters.

The INCSR, submitted to Congress on March 2, 1987, is the first under new procedures created by P.L. 99–570, the Anti-Drug Abuse Act of 1986.

On the basis of that report, President Reagan certified that the Bahamas, Belize, Bolivia, Brazil, Burma, Colombia, Ecuador, Hong Kong, India, Jamaica, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Panama, Paraguay, Peru, and Thailand as cooperating with the United States, or having taken adequate steps on their own, in controlling production, trafficking on money laundering. The President also certified Laos and Lebanon on the grounds of vital national interest. The President withheld certification from Afghanistan, Iran and Syria.

It is critical to remember in the process of reviewing certifications that certifications require cooperation, not success, as a test.

Any logical assessment of country performance must take a variety of factors into account; social, political, economic, geographic and climatic, which all affect narcotics production.

While we seek legislative solutions, we must recognize that all legislation is a civilized appeal to reason that falls on deaf ears when the unreasonable people who traffic drugs are involved.

Regarding the emphasis on extradition treaties, while they are important, as demonstrated by the recent extradition of Carlos Lehder, we must recognize that the point is to help countries make their laws work, not impose our laws on them.

In the long run, there is no alternative to an outright ban on cultivation, enforced by eradication, bolstered by sufficient interdiction and enforcement to seize contraband and financial assets, and coupled with the prosecution of major players.

Our program base was significantly expanded by the Anti-Drug Abuse Act—from $60.2 million in 1985 to $118.4 million in 1987. For 1988, the State Department is requesting $98.7 million.

We must maintain and expand our program effort, especially at the multi-lateral level (e.g. The United Nations Fund For Drug Abuse Control, UNFDAC), through increased contributions from other donor nations.

Our experiences show us that the traffickers will plant and replant until they know that eradication is not a one or two year phenomenon, but a permanent part of the enforcement program of every source country.

The additional $53 million appropriated to INM will support a regional air wing which can operate in Mexico, Central and South America, and the Caribbean. Immediate plans for six helicoters, and eight fixed-wing, light utility and aerial survey aircraft.

Additional funds will support a U.S.-owned aircraft component in the Bolivian Control Program.

Mexico improved both opium and marijuana eradication in 1986, but must expand efforts until eradication both overtakes expanding cultivation and re-starts the downward production trend they achieved in the 1970's.

The Bolivian Government wants to extend narcotics control to coca eradication as well as interdiction of drug traffic resulting in the design of a comprehensive 3-year narcotics control plan [sic]. This plan is based on effective interdiction, the passage of a law outlawing all but "traditional" coca production and a 12-month period of voluntary eradication followed by forced eradication. US officials are negotiating a program agreement with Bolivia to implement this plan.

Colombia deserves considerable praise for withstanding the onslaught of narcotics traffickers.

Colombia must strengthen its prosecutorial system.

Jamaica has approved plans for herbicidal marijuana eradication and the US is providing aircraft maintenance and logistical support for interdiction and eradication.

Increasing demand for opiates in South America and East Asia is a growing concern.

Burma has undertaken one of the longest eradication programs in narcotics history, only to see it fall behind trafficker efforts in 1986 to expand opium cultivation. Aerial eradication has been supported by INM with fixed and rotary-wing aircraft.

Thailand continues its strong and effective eradication program.

Opium production is up in Pakistan. There is a critical need for the civilian government to reinforce its long-standing ban on opium poppy cultivation, which was effectively applied earlier this decade.

The additional funds INM received in 1987 will permit assistance to Egypt, India, Nepal, Jordan, Sri Lanka, Malaysia, Indonesia, Nigeria, Kenya and Mauritania, all of which have experienced recent increases in drug trafficking.

Supports full-fledged aerial compaign against cannabis in Colombia, as well as continuing efforts to experiment with aerial eradication of coca.

Support the coca eradication program in Bolivia.

Enforcement assistance will continue to play a key role in the Peruvian and Bolivian programs, where there is a need to provide security for narcotics control efforts.

Further funds for aircraft procurement and maintenance will be provided to Burma.

Increased funds to Thailand will improve the reduction in opium poppy cultivation by continuing assistance to farmers who agree to abstain from growing these crops.

Support the extension of Pakistan's ban on opium cultivation by introducing improved agricultural crops and irrigation in the Malakand and Dir areas.

Dion also stated that the withholding of INM eradication funds for Mexico, pursuant to section 2030 of P.L. 99–570, is an ill-considered step by Congress, it will have the effect of reducing the level of effort of the opium and marijuana eradication campaigns, which benefit the United States, until the prosecution is complete in the Camarena and Cortez cases. State and Justice share Congresses concern and priority for the success of these prosecutions. But, no purpose is served by linking eradication funds to the judicial process, Dion added.

Dion addressed in section 2003, of the Anti-Drug Law which compels INM and other bureaus to retain title to aircraft. He stated the requirement is too sweeping and interfere with legitimate conduct of our narcotics program "We need flexibility, that is simply not provided by the long-term loan or lease arrangements afforded by this statute. Your goal, as we know it, was to compel us to retain title to our regional air wing and also to preclude us from giving title to additional aircraft for Mexico. We have every intention of keeping title to the regional airwing, because we need maximum control over its deployment. We are awaiting the outcome of an independent evaluation of the Mexican narcotics airfleet, which we believe will inveitably lead to downsizing and more efficiency. We are willing to defer further arguments on titling for aircraft for Mexico until we have shared the results with you. But your concerns in these two areas should not result in a global restriction on our ability to assign aircraft," he stated.

Chairman Rangel opened the questioning by remarking on his recent visit to Colombia with Mr. Gilman, and the desperate shape Colombia is in because of the power and influence of the drug traffickers. As a result, we are expecting more cocaine to be smuggled into the United States this year than ever before. In addition, he expressed concern over the fact that no courts in Colombia are processing any cases dealing with drug traffic, and even the authority for the military courts to handle such cases has been struck down by the Supreme Court. Mr. Rangel then inquired about our strategy to deal with the situation. Mr. Dion agreed that the situation was indeed a bad one, and in particular, the Supreme Court's ruling that the extradition treaty with the United States was unconstitutional and a team from the Justice Department is working closely with the government to remedy this situation. He went on

to say that in terms of policy decision, the Secretary of State, as a statutory member of the National Drug Policy Board, is very involved in discussions and decisions on our international drug policy and strategy. The Secretary meets on a regular basis with the Assistant Secretary of State for Latin American Affairs, Elliott Abrams, and Assistant Secretary for INM, Ann Wrobleski, to discuss policy development.

In responding to the Chairman's questions on eradication program developments with the Government of Bolivia, Mr. Dion stated that we have signed an overall agreement with Bolivia for an eradication program, but there are two annexes still to be negotiated. The formula is that Bolivian Government will seek to eradicate at least 18,000 hectares of coca. In the process, funds would be advanced by the United States Government and by international donors, perhaps the United Nations Fund for Drug Abuse and Control (UNFDAC), to help tide the planters through a year as they turn to other legal crops. The U.S. contribution will be approximately $100 million, but the United States will make no cash payments to Bolivian farmers. The U.S. Agency for International Development (AID) will provide equipment, seeds, fertilizer, but no cash payments. In terms for a per hectare dollar amount, it will be about $2,000.

Mr. Rangel then inquired about the thinking of the State Department in recommending that Afghanistan, Iran and Syria be decertified, and in fact were they ever certified? Mr. Dion responded that they were not, but they are on the list which State proposed of major producing, trafficking, and money laundering countries. In the case of Iran, it was basically a sanction against them before the public, but with no material effect since there is not assistance relationship between the United States and any of these countries.

Ranking Minority Member Ben Gilman questioned Mr. Dion on his thinking regarding Senate efforts to decertify the Bahamas, Panama and Mexico. In the case of Mexico, Mr. Dion responded by stating that they have made a major effort in the past year to increase eradication efficiency. There were some 88 aircraft provided mainly by the United States used in the aerial eradication of marijuana and opium poppy. In addition, seizures of cocaine have increased, and a Mutual Legal Assistance Treaty has been negotiated with the United States and it is currently before the Mexican Senate. He added that there was no truth to allegations that they have cut off or reduced the efficacy of our observation teams. There was a problem in the late fall of 1986 over the aircraft they were using in terms of insufficient spare parts to keep the aircraft flying. These problems have been resolved and the Vanguard Program, which is staffed by DEA, is still underway.

In response to Mr. Gilman's inquiry about the status of the Camerena investigation, Mr. Dion said that this was one of the major disappointments in our relations with Mexico over the past year because there have been no convictions. However, information is that the major suspect in the case was arrested recently and is presently under detention. We have commitments from the Mexican Government that those responsible will be brought to justice; but it has been a slow process.

In terms of drugs smuggled from Mexico, we are barely holding the line because of increased plantings. While the Mexicans are increasing the amounts eradicated, it doesn't attain the level that's being planted and harvested.

Under further questioning from Mr. Gilman, Mr. Dion made the following points:

In terms of opium production in Mexico, we have seen dramatic increases in recent years, but nothing approaching the production of the 1970's.

We anticipate a reduction in opium cultivation this year, through improved efficiency of the eradication fleet, and the use of more efficient aircraft within the fleet.

The justification for certification of the Bahamas notwithstanding widespread official corruption is the fact that they are working with us on the OPBAT Program; we are flying helicopters into their airspace with the participation of their law enforcement officers; they have agreed to locate a tethered aerostat radar balloon; and have completed negotiations just 2 weeks ago on a mutual legal assistance treaty with the United States.

Great progress has been made on efforts to interdict drug shipments through the Bahamas in the past 18 months.

Panama was recommended for certification again, notwithstanding allegations of drug related official corruption, because of their cooperation on eradication of marijuana and their cooperation on the interdiction of cocaine and cocaine precursors or chemical movement. In addition, they have recently passed a new narcotics law, and we are working with them on a mutual legal assistance treaty.

Because of a liability problem that developed with the American chemical company which marketed herbicide for coca eradication in Colombia, two efforts are underway to develop another herbicide.

The original herbicide could be used as an aerial spray, but it does not have the immediate or effective success that backpack spraying has.

Manual eradication of coca is not taking place at the present time; thus production of coca leaf is rising in Colombia.

Because the Colombia Supreme Court has ruled that the extradition treaty with the United States is unconstitutional, the extradition process, with the exception of the extradition of Carlos Lehder, has all but come to a halt.

While the Departments of Justice and State are working to remedy the situation, no resolution has been arrived at.

President Barco has ordered Colombian forces to return to FARC territory (guerrila occupied territory where a cease-fire has reportedly been in effect), to destroy cocain processing laboratories. Over 590 labs are reported to be located there.

The regional air wing provided for in the Anti-Drug Abuse Act of 1986, designed to operate in Mexico, Central and South America, should be operational by the end of the year. While no line-item funds were requested for maintenance after fiscal year 1987, funds for this purpose will be available from the Latin American Regional Fund. About $7 million from the fund will be available for the purpose.

Despite expansion of the eradication of opium poppy in Burma, increased production will result in continued problems.

The $98 million requested by INM for fiscal year 1988 is a third more than originally requested for 1987, before the Anti-Drug Abuse Act increased the total to $118 million. The $98 million request was arrived at before the passage of the Act. However, capital purchases made in fiscal year 1987, will not have to be repeated in fiscal year 1988.

In terms of the certification provisions of the Anti-Drug Abuse Act, we will be in a much better position to use such leverage next year. Since the Act was not passed until October 1986, there was only a few months to work with the law.

RECOMMENDATIONS—INTERNATIONAL NARCOTICS CONTROL; BUDGET ISSUES

1. Failure to seek funds for the State and local drug enforcement grants program is a form of legislative recommendation to Congress that the Administration does not support such a program and wants the program terminated. While giving lip-service to the need for a partnership between Federal, State and local enforcement efforts, the failure to provide Federal funding support in fiscal year 1988 and beyond, lays the burden of drug enforcement squarely on the shoulders of State and local personnel. We are fighting an international war with State and local resources. The State and Local Narcotics Control Assistance Act is an integral part of the Anti-Drug Abuse Act of 1986 and requires continued funding.

2. There is a need to reach an agreement with the Administration on the appropriate amount of money necessary to fight a war against narcotics.

3. The State Department needs to elevate the priority of international narcotics control in U.S. foreign policy. Heretofore, narcotics control has been a low priority item for Secretary Shultz. The Secretary himself needs to be more visible and vocal on the issue as he is on arms control, terrorism and communism. The Secretary of State should discuss the drug war in terms of a national security issue. It is imperative that our Nation's foreign policy make narcotics control a priority and that the Secretary of State craft creative strategies to control the cultivation and trafficking of illicit drugs and assist those nations whose governments have fallen prey to the power of international drug syndicates.

4. Every effort must be made to assist the Government of Colombia in strengthening Colombia's judicial system and resolving difficulties in the legal status of the extradition treaty with the United States.

5. Official corruption in the Bahamas, Mexico and Panama remains an impediment to our international narcotics control and interdiction efforts. The United States needs to develop a strategy to respond to official corruption that aids and abates illicit drug production and traffic significantly affecting our nation.

6. Every effort must be made to develop and market an effective herbicide for aerial eradication of coca in Colombia.

Federal Drug Strategy (December 8, 1987)

On December 8, 1987, the Select Committee held its final hearing to discuss the efforts of the National Drug Policy Board to implement the Anti-Drug Abuse Act of 1986 and fashion a comprehensive, well-coordinated Federal drug strategy.

Witnesses:

Frank Keating, Assistant Secretary of the Treasury, Enforcement; and Acting Chairman, Drug Law Enforcement Coordinating Group, National Drug Policy Board.

Dr. Donald Ian Macdonald, Administrator, Alcohol, Drug Abuse and Mental Health Administration; and Chairman, Drug Prevention and Health Coordinating Group, National Drug Policy Board.

John C. Lawn, Administrator, Drug Enforcement Administration.

Lt. Gen. Stephen G. Olmstead, Deputy Assistant Secretary for Drug Policy and Enforcement, and Director, DoD Task Force on Drug Enforcement.

Rear Adm. Clyde E. Robbins, Chief, Office of Operations, United States Coast Guard.

Mark Dion, Deputy Assistant Secretary of State, Bureau of International Narcotics Matters.

Michael H. Lane, Deputy Commissioner, United States Customs Service.

William Lennox, Director, Drug Abuse Prevention Oversight Staff, Department of Education.

The tenor of the witnesses' testimony was that notwithstanding increased resources and improved coordination in the "war on drugs" since passage of the Anti-Drug Abuse Act of 1986, the Administration had made only limited progress in reducing the availability and abuse of illegal drugs. The witnesses were grateful to the Congress for the additional resources provided under the Anti-Drug Abuse Act of 1986 to combat drug trafficking and maintained that they had acted expeditiously in getting Federal funds out to the States to fight the war.

Mr. Keating and Dr. Macdonald briefly described for Committee Members the organizational structure of the National Drug Policy Board. The Policy Board is a cabinet-level body headed by Attorney General Meese and Health and Human Services Secretary Bowen and at the working level is divided into drug supply and demand reduction coordinating groups, headed by Keating and Macdonald respectively. Within the coordinating groups are standing committees on drug supply and demand issues. These standing committees are headed by senior administration drug policy officials. In theory, ideas for new strategies and initiatives for drug control will "flow up" from the standing committees to eventual approval by the cabinet-level Policy Board. The Policy Board plans to submit new strategy documents to the President and the cabinet in January.

Mr. Lawn mentioned a recent seizure in Florida of 8,000 pounds of cocaine as an example of the successes resulting from the efforts of the National Drug Policy Board. Mr. Dion described for Committee Members the certification process for granting foreign assistance which is contained in the Anti-Drug Abuse Act of 1986. Michael Lane and Admiral Robbins listed the assets the Customs

Service and Coast Guard had received as a result of the passage of the Act. General Olmstead discussed the success the Department of Defense had had in eliminating drug use within the Armed Forces and said DoD is in compliance with the Anti-Drug Abuse Act. Mr. Lennox said that the Department of Education had distributed to the States $197 million out of the $203 million it was charged with distributing. He mentioned some DoE publications designed to deter drug abuse, but said that drug abuse can only be solved at the local level by concerned adults.

Congressman Scheuer declared that the 8,000 pounds of cocaine seized was an example of a sporadic success in the drug war and declared that the drug war is not working. Mr. Keating said that while the Federal agencies involved in the drug war are doing a better job than ever, as long as 26 million Americans want drugs we will continue to have a problem.

Dr. Macdonald said, "I think we are close to turning the corner on drugs." Congressman Guarini challenged this statement in light of data indicating there were increasing hospital admissions for cocaine treatment and that other drug indicators are up as well. Dr. Macdonald responded that treatment admissions may be up because cocaine users who initiated drug use several years ago may only now be coming in for treatment.

Congressman Scheuer was complimentary of the Department of Education's anti-drug publications, but he stressed the need to disseminate these publications to the 40 million parents of elementary and secondary school students. Congressman Coughlin said the Department of Education must find some way to make sure that parents read the anti-drug material which they produce. He was troubled by large scale cocaine use and increasing treatment admissions.

The *Washington Post* on December 7, 1987, reported that the National Drug Policy Board is considering whether the U.S. Customs Service and the Coast Guard should be allowed to shoot down airplanes suspected of drug smuggling if their pilots ignore orders to land. Congressman Oxley asked about this at the hearing. Mr. Keating indicated that this proposal will not be approved by the National Drug Policy Board.

Currently money to finance the drug war is spent 75% on reducing the supply and 25% on reducing the demand. In response to a question from Congressman Hughes, Mr. Keating said that the best mix of how to spend money on the drug war was under study by the National Drug Policy Board.

The witnesses supported the concept of user responsibility under which drug users would experience some punishment, such as being required to pay a fine, or lose their driver's licenses for their drug use. Dr. Macdonald said that President Reagan had approved the concept of user responsibility. Mr. Keating said that the U.S. Attorney in San Diego had a zero tolerance policy for drugs along the Mexican border. All people who are caught with drugs at the border at San Diego are prosecuted. Mr. Lawn said DEA concentrates on going after the assets of major drug traffickers. He opposed arresting drug users on the streets, but supported applying some sanction against them. Congressman Hughes stated that there were insufficient resources to prosecute all drug traffickers

much less all drug users. He stated that Federal law enforcement has not been a "good partner" to local law enforcement and that a policy of actively arresting drug users would further clog the courts.

Committee members did not question the commitment of the administration to the war on drugs, but said that despite their efforts drugs were more available on American streets and cheaper in price than ever. Congressman Gilman was particularly interested in learning why the State Department had not implemented section 2024 of the Anti-Drug Abuse Act of 1986 which provides for the establishment of a Mexico-United States Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control. Mr. Dion said that the Department of State believed formation of a joint executive/legislative branch commission set a bad precedent. Congressman Gilman urged him to have the State Department review this issue again and implement the law.

Congressman Gilman also questioned Dr. Macdonald about reports that the Office of Substance Abuse Prevention (OSAP) would be dismantled. Dr. Macdonald said that while some functions relating to Acquired Immune Deficiency Syndrome (AIDS) had been transferred to the Centers for Disease Control, OSAP would not be dismantled. He also mentioned that treatment funding had been distributed to the States and all they had to do to obtain their checks was to spend their allotments.

Chairman Rangel inquired of Mr. Dion as to the amount of cocaine, heroin, and marijuana directed at the United States. Mr. Dion responded that 100,000 metric tons of cocaine were shipped from Colombia to the United States, and that 6 to 8 tons of heroin were imported into the United States, and 9,000 to 10,000 metric tons of marijuana were sent to the United States. Between 30 and 40 percent of all three drugs enter the United States from Mexico. Chairman Rangel remarked that large seizures didn't comfort him when world production of drugs continued to increase.

Dr. Macdonald commented that in each year of the Reagan Administration total Federal drug funding had gone up. Because the fiscal year 1989 budget is still being formulated he refused to comment on the amount of drug funding to be proposed in fiscal year 1989.

Mr. Lane of the Customs Service said that the resources provided in the Anti-Drug Abuse Act will enable Customs to put into place an air and sea interdiction network which will result in less drugs getting through to the United States. Mr. Keating told Chairman Rangel that Attorney General Meese supported a close working relationship between Federal, State, and local narcotics enforcement officials, but he did not indicate that Mr. Meese has changed his position and now will support providing Federal financial assistance to State and local governments for narcotics law enforcement. The Anti-Drug Abuse Act provides for $230 million in fiscal year 1987, fiscal year 1988, and fiscal year 1989 to assist State and local narcotics enforcement activities. The Attorney General and the Administration have consistently opposed this program.

Mr. Keating mentioned that State narcotics enforcement officials had to do a better job of controlling marijuana production within their borders and that cultivation of marijuana on public lands was

a problem. Mr. Lawn said DEA had a very active marijuana eradication program, but that the best marijuana in the world is now produced in the United States.

RECOMMENDATIONS—FEDERAL DRUG STRATEGY

1. While the Select Committee on Narcotics applauds the increased cooperation that currently exists among the Federal agencies which are members of the National Drug Policy Board, success of our nation's anti-drug strategy will be achieved when the Board can point to concrete reductions in the tonnage of cocaine, heroin, and marijuana coming into and being consumed in the United States. The Members of the Select Committee on Narcotics reaffirm their commitment to providing drug interdiction agencies with the necessary resources to curtail the flow of drugs to the United States.

2. The State Department should reconsider its opposition to establishing a Mexico-United States Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control.

3. The Department of Justice should recommend full funding at $230 million in fiscal year 1989 for the program of State and Local Narcotics Control Assistance provided in the Anti-Drug Abuse Act of 1986.

4. The United States Department of Education is to be commended for its publication of accurate, factual anti-drug abuse material. The Department should, however, intensify its efforts to distribute these publications as widely as possible, particularly to elementary and secondary schools, students, and parents.

5. Additional funding is needed to expand and staff drug abuse treatment facilities to service the needs of drug abusers and reduce waiting lists. This is especially critical in light of the AIDS crisis and the wide availability of cocaine and "crack" throughout the country.

6. An effective national narcotics strategy requires strong leadership and coordination. The National Drug Policy Board is not an effective substitute for this. While it may improve coordination on particular issues and operations, the board itself merely institutionalizes the current bureaucratic infighting between agencies involved in the war on drugs. The administration must review the manner in which it wages the "war on drugs" with a view toward achieving stronger leadership over all the agencies involved in the effort and effective implementation of a federal drug strategy.

ADDITIONAL VIEWS OF HON. ROBERT K. DORNAN

I support the findings and recommendations of the Select Committee's report on "Implementation of the Anti-Drug Abuse Act of 1986," and I would like to take this opportunity to offer some additional observations with respect to a number of the recommendations included in the report.

First, regarding the recommendations on State and local drug enforcement, I want to highlight a problem of increasing concern in my State that is impeding effective State and local drug law enforcement.

The number of illegal and clandestine drug laboratories in California alone has tripled since 1983. Chemicals combined in illegal drug manufacturing labs produce extremely hazardous substances and poisonous gases which permeate structures and continue to contaminate the surrounding environment long after the chemicals themselves have been removed.

Currently, no State or Federal funding is made available for the immediate cleanup of the structures and surrounding environment contaminated by hazardous substances and spills produced by illegal drug manufacturing processes. Any funding for toxic site cleanup due to these drug labs falls between Superfund monies and Anti-Drug Abuse monies.

Some thought should be given to providing matching Federal grants to State authorities to provide for the thorough cleanup of areas contaminated by chemicals used in these drug labs. Leaving this problem unresolved has already discouraged California municipalities and local law enforcement officials from seizing clandestine labs.

Second, the recommendations for Federal interdiction and enforcement call for improved coordination of Federal anti-drug efforts and state that, "Study should be given to the appointment of a single individual to coordinate and implement Federal drug policies. If this idea proves to have merit, such an individual should have Cabinet rank and be placed within the Executive Office of the President." The report specifically mentions H.R. 2454, the National Narcotics Leadership Act, which would establish such a position in the White House.

I support the so-called "Drug Czar" concept and have cosponsored H.R. 2454. In addition, I believe that a single individual of Cabinet rank to coordinate and implement Federal drug policies should also be a member of the President's National Security Council.

Third, concerning the recommendations for international narcotics control, I agree with the report's statement that the Secretary of State should discuss the drug war in terms of a national security issue. There is an element of clandestine political warfare going on

here in which Latin drug lords actually intend to destroy this country from within via illicit narcotics.

In conjunction with the "national security" theme, a greater effort needs to be made to emphasize the convergence of drug trafficking, terrorism and insurgent groups. "Narco-terrorism" is a relatively new phenomenon which will have to be addressed by the intelligence community. We should uncover, for example connections between Cuba and its allies, such as the M19 in Colombia, who are working with major drug traffickers in the Medellin Cartel for mutual gain. Cuba's role has been largely overlooked. To quote Rachel Ehrenfeld, Ph.D. and expert in the field, "Terrorism and the drug-trade are parallel 'industries' that also cooperate synergistically."

Finally, the Administration will have to come to grips with their certification policy with respect to Laos. Current policy is to issue a national interest certification on the basis of Lao "cooperation" on the POW/MIA problem. The fact is that Laos is dribbling out bones at an excruciatingly slow pace while the U.S. Government turns a blind eye to opium trafficking with official government sanction totaling about 200 tons per year. Should our government continue to subvert effective interdiction policy in Laos in favor of retrieving bones of our fallen heroes?

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